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No. 155

## House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. CUELLAR).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

December 1, 2010.

I hereby appoint the Honorable HENRY CUELLAR to act as Speaker pro tempore on this day.

NANCY PELOSI,

*Speaker of the House of Representatives.*

### PRAYER

Rev. Tom Dore, Pastor Emeritus, St. Giles Parish, Oak Park, Illinois, offered the following prayer:

Gracious Lord, the Members of the United States House of Representatives have been given the awesome responsibility and privilege of the stewardship of governance by the citizens of our country. They must be truly grateful for the trust placed in them by those same citizens.

Today, I ask for Your gift of wisdom, right judgment and hearts and minds open to Your Spirit.

I pray for the spirit of cooperation and collaboration as they seek to guide our country as it faces the many significant challenges both nationally and internationally.

Although there may be differences on how to accomplish specific goals, the Members of the House must always keep in mind the inspiring vision of our Founders—the common good of the people they serve.

Gracious and loving God, be with them in their deliberations, for without Your help and guidance, the deliberations may prove limited and disappointing.

Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New Jersey (Mr. PASCRELL) come forward and lead the House in the Pledge of Allegiance.

Mr. PASCRELL led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 6162. An act to provide research and development authority for alternative coinage materials to the Secretary of the Treasury, increase congressional oversight over coin production, and ensure the continuity of certain numismatic items.

H.R. 6166. An act to authorize the production of palladium bullion coins to provide affordable opportunities for investments in precious metals, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 3386. An act to protect consumers from certain aggressive sales tactics on the Internet.

S. 3987. An act to amend the Fair Credit Reporting Act with respect to the applicability of identity theft guidelines to creditors.

The message also announced that pursuant to Public Law 107-12, the Chair, on behalf of the Majority Lead-

er, appoints the following individual as a member of the Public Safety Officer Medal of Valor Review Board:

Albert H. Gillespie of Nevada vice Thomas J. Scotto of New York.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

### THE ELEPHANT IN THE ROOM

(Mr. PASCRELL asked and was given permission to address the House for 1 minute.)

Mr. PASCRELL. Mr. Speaker, today I rise to address the elephant in the room—the expiration of the tax rates that will occur 31 days from now.

We all agree that it is imperative that we work together to provide America's working-class families with tax relief as soon as possible. That is why I applaud the President for meeting with Members from the House and Senate in order to forge a bipartisan compromise.

But to be fair, this past September, I, along with Messrs. CAPUANO, HIGGINS and OWENS, proposed a compromise that provides tax relief for American families and that gives Congress the fiscal flexibility to address our long-term deficit. I am proud to say that the Joint Committee on Taxation has confirmed that this plan costs significantly less and provides greater flexibility to reduce the national debt.

Our compromise includes a 5-year extension of the middle class tax rates and the current rates on long-term capital gains and qualified dividends, costing \$801.5 billion; and a 1-year extension of the current rates for income earned between \$250,000 and \$500,000, costing \$8.27 billion.

This plan is better than the \$2.2 trillion over 10 years which is now before

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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us. It is a compromise, and we ought to try it sometime.

#### H.R. 5866, THE NERD ACT

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, by 2030, America's energy needs will increase by 40 percent, and our nuclear power plants are, on average, 30 years old and are nearing the end of their life cycles.

We need more energy.

The Nuclear Energy Research and Development Act, which passed the House last night, accelerates the development of small, pre-made reactors that can be built in factories and shipped to sites at a fraction of the cost. Today, a typical nuclear power plant costs \$10 billion, takes 5 years to build, and produces more than 1,100 megawatts. Small reactors cost \$750 million, which can be quickly added to the grid and shipped into the place.

We need energy independence; but to rebuild our economy, we need products that can be developed here, built in our factories, and sold all over the world; or we can keep sending our dollars to OPEC. This year, the U.S. will buy \$350 billion of foreign oil; and for roughly 1 day's worth of oil purchased from a foreign country, this bill invests in the technology that produces these new energy plants.

The stimulus bill gave us windmills made in China. Let's not repeat that mistake. If we don't do this in the USA, other countries can and will make them and ship them here. Let's support U.S. jobs for U.S. energy.

I urge the Senate to quickly adopt H.R. 5866.

#### BUSH TAX CUTS

(Ms. SCHWARTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHWARTZ. Mr. Speaker, this morning, I rise in support of middle class Americans.

As Americans continue to face economic challenges, the deadline looms for extending middle class tax cuts that provide relief where it is most needed; but congressional Republicans are holding these middle class tax cuts hostage in favor of tax breaks for the wealthiest 1 percent of Americans, burdening our children and our grandchildren with unsustainable debt.

Their argument for millionaire tax breaks: it will trickle down to the middle class and create jobs.

But if that were true, America would not be in the economic situation it is in now. If personal tax cuts for the very wealthy create jobs—and they've had them for 10 years—where are those jobs?

Congressional Republicans have made it quite clear that they are willing to hold up tax breaks for middle-in-

come families to protect multi-millionaires. Republicans talk about reducing our deficit, but they are perfectly happy to balloon the deficit by \$700 billion to give tax breaks to the richest Americans.

In the coming weeks, we will see if Republicans stand up for middle class Americans or if they stand against them.

#### IT IS TIME TO SHUT WIKILEAKS DOWN

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, we saw again this week the organization WikiLeaks release hundreds of thousands of classified documents which threaten to undercut American foreign policy as well as our national security.

The person who has been accused of releasing this sensitive information is an American PFC, who is now facing charges that could lead to 52 years in prison if he is convicted. These penalties are too lenient because this PFC has not just violated orders; he has committed treason.

I think that WikiLeaks and its founder, Julian Assange, should be facing criminal charges; and his Web site, which he uses to aid and abet our terrorist enemies, should also be shut down to defend our national security.

Attorney General Eric Holder held a press conference the other day, proudly announcing that the Federal Government had shut down several Web sites for selling knock-off purses and other items. Well, I have an idea for Attorney General Holder: shut down WikiLeaks, which represents a far greater threat to our national security than the sale of fake Louis Vuitton bags.

It is time that the Obama administration treats WikiLeaks for what it is—a terrorist organization, whose continued operation threatens our security.

Shut it down. Shut it down. It is time to shut down this terrorist organization, this terrorist Web site, WikiLeaks. Shut it down, Attorney General Holder.

□ 1010

#### REPEAL DON'T ASK, DON'T TELL

(Mr. HIMES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HIMES. Mr. Speaker, in 1857, just down the hall, the Supreme Court, which met in this building at the time, decided Dred Scott, in which they said that a black American was not entitled to the rights of the Constitution promised to all men. The good news is that over the years this institution has done the right thing—civil rights legisla-

tion, any number of things—to expiate that sin, but 17 years ago this body passed legislation which discriminated against our soldiers that said if you are gay, you can't serve your country; that regardless of how much we spent to train you, regardless of how critical your expertise is to keeping this country safe, you cannot serve your country.

A report came out yesterday which indicates that there is, at most, a negligible threat, a negligible problem if we get rid of Don't Ask, Don't Tell. Now is the time to fix that sin of 17 years ago and say to gay Americans that if you're patriotic enough to serve this country, we welcome you in the armed services.

I urge the Senate to act to repeal this act and to really get us closer to our founding creed.

#### LET'S GET TO WORK FOR THE AMERICAN PEOPLE

(Mr. NEUGEBAUER asked and was given permission to address the House for 1 minute.)

Mr. NEUGEBAUER. Mr. Speaker, today is December 1, just 25 days until Christmas, but the American people have Christmas on their mind right now. In fact, they sent a list of some of the things that they do and do not want on November 2 to this administration and to this body. They said we want jobs, not more taxes. They said we want jobs, not more spending and deficits. We want jobs, not more Big Government.

If we want to make sure that the American people have a very merry Christmas, let's pass H.R. 4676, which I introduced, which brings taxpayers certainty and gives every American taxpayer tax relief that they both deserve and need.

Let's give the American people a merry Christmas. Let's do the right thing for the American people. Let's do the right thing for the future of our children and our grandchildren. Let's get to work and quit naming post offices in this country and go to work for the American people.

#### EXTENDING TAX CUTS

(Mr. TONKO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TONKO. Mr. Speaker, I rise today with one question for former President George W. Bush and the Republican leadership in Congress: Where are the jobs?

With inspirational titles promising economic growth and job creation, the 2001 and 2003 tax cut packages fell well short of their names. From 2001 to 2007, the economy grew at its slowest pace since World War II.

The Bush tax cuts failed to bring the growth they promised, and now my colleagues on the other side of the aisle want a no-questions-asked extension of

this failed policy. Not so fast. Sixty-six percent of all growth between 2001 and 2007 went to the top 1 percent of Americans. Did that trickle down to the rest of us? All you have to do is ask a family in Albany or Schenectady or Troy, New York that I represent. My district will say it most certainly did not.

In the debate over extending tax cuts, the choice is clear. I stand with the 98.1 percent of households in my district, the middle-income community, the working families. I hope my colleagues on both sides will review their own district numbers and do the same.

#### FINISH BUSINESS

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, on November 2, Americans sent a message to Washington that we are sick and tired of the out-of-control spending and bigger government that has existed over the last 2 years. While the lame duck Congress has unfinished business to complete, such as permanently extending the current income tax rates, Democrats in Congress have hinted at other plans to continue their irresponsible spending spree by passing a massive omnibus spending bill.

Mr. Speaker, after the bell-ringing on November 2, surely Democrats in their few remaining days of control are not intending to use this lame duck session to continue the failed policies that got us into this mess to begin with. I implore this body to act immediately to cut spending, balance the budget, extend the current tax rates, and send this Nation on a new path to greatness while ensuring the people's voice is once again heard in Washington.

#### EXTENDING TAX CUTS VERSUS UNEMPLOYMENT BENEFITS

(Ms. PINGREE of Maine asked and was given permission to address the House for 1 minute.)

Ms. PINGREE of Maine. Mr. Speaker, in the remaining days of this Congress we have some choices to make, and those choices couldn't be more clear. Are we going to extend tax cuts for the rich, giving millionaires an average break of over \$100,000, or are we going to continue unemployment benefits of about \$245 a week for out-of-work Americans? Are we going to approve a giveaway to high-paid CEOs that the Congressional Budget Office puts at the bottom of their list of what would stimulate the economy, or are we going to extend the unemployment benefits the CBO puts at the top of that same list? Are we going to hand out tax breaks to the wealthy that will add \$700 billion to the deficit, or are we going to continue funding unemployment checks that generate \$2 in economic activity for every \$1 in benefits paid?

The American people sent us here to set priorities and make tough choices.

Putting American workers ahead of millionaires and billionaires should be our priority, and it shouldn't be a tough choice to make.

#### BIG GOVERNMENT ORDERS BIG SIGNS

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, the Federal Highway Administration is ordering all local governments to go out and purchase new road signs. Why? Because the brilliant bureaucrats say these signs are easier to read. It took 800 pages of "easy-to-read" regulations and redtape to mandate making letters two inches taller. The new signs must be reflective and cannot be in all caps. New York City alone will have to spend \$27 million just to revamp their sufficient signs. Millions will be spent by other financially troubled cities.

Why is this happening? Because, as the saying goes, "We're from government, and we're here to help you." What if the towns refuse to replace their perfectly good signs with the Federally authorized signs? Will the intrusive Federal street sign police come out and cart the city officials off to jail for road sign violations? And what's next? Will the Feds soon require signs be in multiple languages? Once again, Big Government solves problems that don't exist and answers questions no one is asking. And that's just the way it is.

#### MIDDLE CLASS TAX CUTS AND JOBS

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Mr. Speaker, we must remind the American people when President Obama took office, he inherited a \$1.2 trillion deficit, the recession, and mounting job losses. In the last 2 years we have worked hard to end the outsourcing of jobs overseas and lay the groundwork to create new jobs here at home. But with the unemployment rate at 9.6 across the Nation and over 14 percent in my area in California, we must do more. If Congress does not act to extend the unemployment insurance benefit, 2 million Americans stand to lose benefits during the holiday season. Yet, instead of working with us to provide assistance to struggling families, Republicans—I state Republicans—continue to obstruct and push for budget-busting tax breaks for America's millionaires.

We must extend unemployment benefits, and we must approve the Obama middle class tax cut plan without the deficit-increasing tax breaks for America's richest few. Let's work together to help families through these tough times and create the jobs the American people need.

#### AMERICA'S ECONOMIC CRISIS

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, Ireland, with a population of just 4.4 million, has been forced to get a \$90 billion bailout to keep from crashing. With our debt of almost \$14 trillion and trillion-dollar yearly deficits, we are very close to becoming a gigantic Ireland financially. A similar bailout for the U.S. would be over \$6 trillion.

In yesterday's Washington Post, columnist Fareed Zakaria, concerning what he called our economic crisis, wrote this:

"Washington is asking consumers to stop saving and start spending, while the government issues more debt and the Fed lowers rates—all measures designed to increase debt." "In other words," he wrote, "we are fighting a crisis caused by excessive debt by encouraging excessive debt. Is that really the best way to get growth?"

A few months ago the Post editorialized, "It's time to stop worrying about the deficit and start panicking about the debt. The fiscal situation was serious before the recession; it is now dire."

The problem is that the Post, like too many in this city, always attacks any attempts to cut spending.

□ 1020

#### CONGRATULATING CHARLES BARNUM ELEMENTARY SCHOOL

(Mr. COURTNEY asked and was given permission to address the House for 1 minute.)

Mr. COURTNEY. Mr. Speaker, yesterday U.S. Secretary of Education Arne Duncan placed a call to the principal of the Charles Barnum Elementary School in Groton, Connecticut, to congratulate the school's 100 percent math score and 92 percent reading score in the Connecticut Mastery tests.

The school's success was notable for two reasons: First, because Barnum is a good old-fashioned public school that raised its test scores to almost perfection the right way—through teamwork by administration, teachers, staff, students, and parents—and second, because it's a school adjacent to the Groton Navy sub base with over 90 percent of its student body children of active duty Navy. These are families which face tremendous challenges with parents away at sea for months at a time incommunicado with their kids. Despite that environment, the Barnum community has made sure that its kids are achieving the highest level of proficiency in reading and math.

Congratulations to Principal Valerie Nelson and everyone at Barnum, and thank you for giving the country an example of educational success which we in Congress should carefully examine as the time approaches to reform America's schools.

## EARMARKS

(Mr. REHBERG asked and was given permission to address the House for 1 minute.)

Mr. REHBERG. Mr. Speaker, earmarks represent the culture of spending that has led to record deficits and debts that are literally costing us our future. We've got to change that culture, and we've got to start right now. Today, we can save the American taxpayer as much as \$16.5 billion. That money can go to pay down some of the debt we've accrued against our children's future. That's why I made the decision last year to forgo earmarks. It wasn't an easy decision, but it was the right one. That's why President Obama and Montana's Democrat Governor have also thrown their support behind eliminating earmarks.

But earmarks are just the beginning. We also need to balance the budget and seriously cut spending across the board. If Congress doesn't have the courage to cut earmarks, how can we hope to tackle the bigger problems later?

## HONORING ANTOINE GARIBALDI

(Mrs. DAHLKEMPER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DAHLKEMPER. Mr. Speaker, I rise today to honor a great leader in Erie, Pennsylvania, Antoine Garibaldi, the sixth president of Gannon University.

Dr. Garibaldi has been a dynamic force in higher education and throughout the community. Since 2001, he has worked to ensure that Gannon remains a world-class university. Dr. Garibaldi's visionary leadership has helped Gannon's enrollment grow by more than 24 percent.

With his wife, Carol, Antoine has led revitalization efforts to make downtown Erie a vibrant, thriving area. The Garibaldis' work benefits not only the students of Gannon but the whole of the Erie community. I am grateful for their commitment to our city.

Antoine Garibaldi is a pillar in the Erie community, and it is with grateful hearts that we wish him the greatest of fortune as he takes on the role of president of the University of Detroit Mercy next year.

Dr. Garibaldi's service in the area will be greatly missed, and we thank him for all that he has done.

## NATIONAL DAY OF RECOGNITION FOR PARENTS OF CHILDREN WITH SPECIAL NEEDS

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today as a cosponsor of the National Day of Recognition for Parents of Children with Special

Needs to honor those who have dedicated themselves to making the lives of their special needs children better and more fulfilling.

I saw a news program over the Thanksgiving holiday that talked about a time in this country when children who were different or had special needs were often institutionalized or forgotten. That was less than 50 years ago.

There are still children who need extreme care that can't be given by their parents alone, but many of these parents begin a journey with their special needs child with a goal of making their lives as complete and stimulating as possible. The journey takes them through medical journals and expert opinions. It often places them in opposition to established school procedures and leads them to new solutions to pave the way for other special needs students. It takes their time, their treasure, and most of all their love and patience.

These parents don't give up or give in, and their children are the better for it.

## UNEMPLOYMENT INSURANCE AND TAX CUTS

(Ms. EDWARDS of Maryland asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDWARDS of Maryland. Mr. Speaker, I rise today to give voice to the growing chorus of millions of hard-working Americans who are without their unemployment benefits and to middle class taxpayers who deserve tax cuts on their income up to \$250,000 permanently.

We're seeing a steady improvement in the economy, but families are still struggling and need unemployment benefits to put food on the table and remain in their homes. Extending unemployment is more than support for our families, friends, and neighbors; it's also good economics. According to the independent Congressional Budget Office, it's hands down the most cost-effective stimulus available.

Mr. Speaker, I want to clear up the confusion. My colleagues on the other side of the aisle are fighting for tax cuts for millionaires while millions of Americans are losing unemployment benefits. My colleagues on the other side are calling for us to pay for \$18 billion to extend unemployment but refuse to see the hypocrisy of putting \$700 billion of tax cuts for millionaires on the backs of our children and grandchildren.

To be clear, Mr. Speaker, this Congresswoman and congressional Democrats are fighting for real families, 98 percent of middle class families, 9.6 percent unemployed. Republicans are fighting for the 2 percenters, the millionaires.

Let's stop it right here.

## HONORING "CHI CHI" RODRIGUEZ

(Mr. PIERLUISI asked and was given permission to address the House for 1 minute.)

Mr. PIERLUISI. Mr. Speaker, I rise in strong support of House Resolution 1430, which honors "Chi Chi" Rodriguez for his commitment to Latino youth programs.

Chi Chi was born into a poor family in Puerto Rico and began working at the age of 7. He taught himself how to play golf and enjoyed a very successful professional career, becoming the first Puerto Rican inducted into the World Golf Hall of Fame.

I rise today, though, to commend Chi Chi not for his extraordinary golf skills but for his philanthropy. His civic work has helped countless youths and earned him membership in the World Humanitarian Hall of Fame.

Yesterday, it was suggested on the floor of this House that it is a waste of time and resources to consider and pass this resolution. With all due respect, it is never a waste of time to recognize and praise the actions of a great human being, particularly when those actions help our youth.

It is one thing to promote fiscal responsibility; it is quite another to ignore or, even worse, intend to demean the feats of an extraordinary American.

I urge all of my colleagues to vote for House Resolution 1430.

## JEC UNEMPLOYMENT INSURANCE REPORT MAKES STRONG CASE

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, last night the unemployment benefits expired for 2 million Americans, including over 159,000 New Yorkers and 95,000 residents of New York City. The Joint Economic Committee, which I chair, released a report that finds that there could be serious unintended consequences if Congress should not renew this vital program; consequences not just for 2 million Americans who lost their jobs, but for our larger economy as well.

Failing to renew the program with its 99-week cap could result in the loss of over 1 million jobs over the next year, wiping out almost a year's worth of hard-won progress. Failing to preserve unemployment benefits would also drain the economy of \$80 billion in purchasing power just as our fragile economy is recovering.

At a time when there are five unemployed Americans for every job opening, failing to extend unemployment benefits goes against both all common sense and economic sense. We must support and extend this vital renewal of this program.

## MIDDLE CLASS TAXES

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, middle-income families are the backbone of our economy, and that is why we should not wait any longer to vote on extending tax cuts for middle-income families. Extension of these taxes have been held hostage by the discussion of whether to extend the rates for the wealthiest Americans.

Ninety-eight percent of Americans face a tax increase January 1. For the typical middle-income American family, that would be the loss of \$2,000 a

year. The Republican demands would mean that those making more than a million dollars a year would receive an average of \$100,000 annually, and the middle-income would be saddled with the \$700 billion in new debt to pay for the multimillion-dollar tax cut for billionaires.

The billionaires' lifestyles will not change, and no significant jobs will be created. If they were going to be, they would be now.

I am committed to continuing tax cuts for middle-income families on incomes up to \$250,000.

Mr. Speaker, I favor jobs. Tax cuts for the rich will change nothing, but it will increase the deficit.

□ 1030

#### PROVIDING FDIC PROTECTION FOR IOLTAS

(Mr. SARBANES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SARBANES. Mr. Speaker, I rise today in strong support of H.R. 6398, which I was proud to cosponsor with my colleague, Congressman DOGGETT. This important measure will ensure that lawyer trust accounts, the interest income from which goes to support legal services programs across this country, will be fully insured by the Federal Deposit Insurance Corporation, therefore providing to the providers of these programs an important assurance that going forward this source of funding will be protected.

For almost 20 years before I came to this body, I had the privilege of working with some of the finest legal services providers in the State of Maryland. And I want to thank them for the work they do every day to provide assistance to those underserved in our community. Every opportunity we get to support their work we should seize upon. And that's what we do with this measure. I thank my colleagues for their support of H.R. 6398.

#### PASS THE FREE TRADE AGREEMENTS

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, we all know the sad news of the expiration of

unemployment benefits. And we feel very strongly about ensuring that the American people who are struggling are able to have their needs met. We also feel strongly that it must be paid for. We also feel very strongly, Mr. Speaker, that the focus should be on job creation and economic growth.

We have three pending trade agreements with Panama, Colombia, and South Korea, which not only would have far-reaching economic impacts on the United States of America, but at the same time it would have a very, very important geopolitical impact. And it seems to me that as we look at creating good manufacturing jobs for union and nonunion workers in the United States, at companies like Caterpillar, John Deere, Whirlpool, other union companies, that the single best thing to do for those workers and potential union and nonunion workers is to open up markets where there are 40 million consumers in Colombia.

The single largest bilateral free trade agreement in the history of the world would be the U.S.-Korea free trade agreement. And so, Mr. Speaker, I would like to join, and I know there is bipartisan support for this, in encouraging the administration to send up those agreements so that we can focus on what it is the American people want us to do, and that is create good manufacturing jobs right here in the United States.

#### TRIBUTE TO CHAIRMAN JAMES L. OBERSTAR

(Mr. GARAMENDI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARAMENDI. Mr. Speaker, I am struck by the comments of my colleague from California and his desire to build jobs here in America. My comments today are really directed towards the chairman of the Transportation and Infrastructure Committee, Mr. OBERSTAR, who will be leaving this House at the end of this year, an extraordinary individual who over his 40 years in this House has led the way for good American union jobs in the construction industry.

Unfortunately, when it came time in the stimulus bill, not one Republican voted for the stimulus bill that created 1.5 million union jobs in the construction industry. Unfortunately, that was the case. You can't have it both ways, I suppose. Mr. OBERSTAR has led the way time and time again for worker safety, to make sure that Americans had the transportation, the infrastructure that they needed.

I have had the great pleasure of working with him and learning from him. I am sure I join with every colleague in this House, Democrat and Republican, to say that we will miss him deeply, and his leadership will be lost upon us.

#### IN MEMORY OF BOB ABBOTT

(Ms. WATSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Ms. WATSON. Mr. Speaker, I come to memorialize Bob Abbott, a young man who saw the future in terms of technology and who worked on inventing the digital ways of communicating. He was a researcher who looked around the world and saw what was needed in terms of computers. And he helped the team in Silicon Valley solve some of those problems. He died about a month ago.

He would be appalled to know that all of his hard work to bring communications together would leave out those who are unemployed. As you know, 39 percent say that not eliminating the tax cuts for those earning more than \$250,000 a year would be a travesty. Bob worked so hard to address these issues through his computer communications. We have to be sure that those people who have worked so diligently in manufacturing and in other areas of technology are taken care of when they lose their jobs.

In memory of a young man who worked so hard to bring communication skills to all Americans, I say to him we will make a move to see that the unemployed have work in your memory.

#### PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 101, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2011

Mr. POLIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1741 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1741

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 101) making further continuing appropriations for fiscal year 2011, and for other purposes. All points of order against consideration of the joint resolution are waived except those arising under clause 9 or 10 of rule XXI. The joint resolution shall be considered as read. All points of order against provisions in the joint resolution are waived. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from Colorado is recognized for 1 hour.

Mr. POLIS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only.

I yield myself such time as I consume.

## GENERAL LEAVE

Mr. POLIS. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on H.R. 1741.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. Mr. Speaker, H.R. 1741 provides a closed rule for consideration of H.J. Res. 101, making further continuing appropriations for fiscal year 2011, and for other purposes. The rule provides 1 hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations.

The rule waives all points of order against consideration of the joint resolution except those arising under clause 9 or 10 of rule XXI. The rule provides that the joint resolution shall be considered as read. The rule waives all points of order against provisions of the joint resolution. Finally, the rule provides one motion to recommit the joint resolution with or without instructions.

Mr. Speaker, I rise today in strong support of approving a continuing resolution to maintain a level and consistent funding stream for our Federal Government. It is one of our primary constitutional responsibilities as Members of Congress to keep the Federal Government running through the passage of appropriations legislation. This continuing resolution will ensure that all necessary and vital functions of government will continue uninterrupted until both Chambers of our legislature have completed their work.

If we do not act now, Mr. Speaker, the Federal Government will effectively shut down this Friday, December 3. This continuing resolution is a short term, straightforward measure to keep the government running and get us through the next 2 weeks, until December 18, while bipartisan negotiations continue in the House and the Senate. It is my hope that my colleagues on both sides of the aisle will work with us to move this important bill forward and to pass a clean continuing resolution contained under this rule.

This continuing resolution will fund the Federal Government at levels already approved by the House in the fiscal year 2010 appropriations bills and the fiscal year 2009 supplementals. This includes extending the authority for the Department of Defense to execute the Commanders Emergency Response Program, an essential tool for military commanders in Iraq and Afghanistan.

□1040

It would also continue the application period for retroactive stop loss benefits through the duration of the continuing resolution.

The Retroactive Stop Loss Pay Program provides \$500 for each month served in stop loss status with an average benefit of \$3,700 to the brave serv-

icemen and -women, veterans and beneficiaries of those whose service was involuntarily extended under stop loss.

This continuing resolution would also continue to fund VA hospitals already under construction, including one in my home State of Colorado, the Denver VA Hospital, which serves 58,000 veterans living in Colorado, Kansas, Nebraska, and Wyoming. Millions of veterans and their families across this Nation depend on the VA for medical care and support, and we must pass this CR so we continue to build these much-needed facilities. Absent this CR, construction on these VA facilities will grind to a halt, leaving our veterans in the lurch. Our veterans took an oath to defend our country, and they deserve to come home to better care and a quality hospital that meets their needs.

This CR would also allow the Federal air marshals to maintain the existing fiscal year 2010 fourth quarter coverage levels for international and domestic flights. This funding will allow for continued training, including investigative techniques, criminal terrorist behavior recognition, firearms proficiency, aircraft specific tactics, and self-defense measures that are necessary to protect the flying public.

This funding allows the Federal air marshals to fulfill their mission of protecting air passengers and crew. Protecting our Nation and combating terrorism is a top priority for this Congress, and without the passage of this CR, those efforts with regard to our air marshals will grind to a halt, leaving the traveling public at greater risk.

This continuing resolution would also allow the commissioner of U.S. Customs and Border Protection to maintain the level of Customs and Border Protection personnel in place for the final quarter and the final few weeks of fiscal year 2010. This provides proper funding to keep terrorists and their weapons out of the United States, secure and facilitate trade and travel and enforce hundreds of U.S. regulations, including immigration and drug laws.

U.S. Customs and Border Protection law enforcement professionals serve as America's front-line defense on our Nation's borders at ports of entry, field stations and check points across the United States. It's important that we maintain a consistent level of personnel at our Nation's borders. By interrupting these funds, we would be jeopardizing Customs and Border Protection's ability to do their job and protect America. This funding enables these officers to inspect our borders, process trade, combat terrorism and smuggling.

A vote against this continuing resolution is a vote to gut our border security when we need it the most.

In addition to extending the existing authority for the Department of Homeland Security to regulate chemical facilities to prevent high levels of risk, this continuing resolution would also

extend the existing Federal Emergency Management Agency, or FEMA authority, to provide technical and financial assistance to States and localities for pre-disaster hazard mitigation activity.

As an example, in my home State of Colorado, this continuing resolution would mean keeping in place vital programs like the 2008 Colorado Springs Wildfire Mitigation Project that removes vegetation around critical facilities and communities; to the 2008 Denver Regional Hazard Mitigation Plan, which assists 37 communities, townships, and counties in the Denver metro area in analyzing and assessing their hazard risks; the 2007 Coal Creek Crossing affecting the town of Erie in Boulder County, Colorado, flood reduction project that helps the town of Erie modify infrastructure around the Coal Creek Crossing to eliminate future damages.

My district, Mr. Speaker, recently suffered one of the worst forest fires in the history of Colorado, which completely destroyed over 100 residences. These emergencies can strike anywhere, anytime; and if we fail to pass this continuing resolution, we will cripple the ability of the Federal Government to help with emergencies wherever they occur and whatever their nature is.

This continuing resolution would also maintain the additional \$23 million in funding for the Department of the Interior's new Bureau of Ocean Energy Management for increased inspections for offshore oil rigs. In light of the recent disaster we all witnessed unfold this summer in the Gulf of Mexico, these funds should be the last thing that we want to allow to expire or to cut. These funds are critical to ensure that tragedies like the Deepwater Horizon spill are not repeated and that our oil rigs are inspected.

These funds allow existing rigs to continue operating in a manner that protects the workers on the rigs in the sensitive environmental areas in which these rigs operate, as well as protect our economy from future job loss. Interrupting these funds will put offshore oil rig workers' lives in danger, the environment in danger, and our economy in danger as well.

The continuing resolution before us also maintains the current rate of the Foreign Military Financing, FMF, program, to include the \$965 million that was advanced for Israel, Egypt, and Jordan in the fiscal year 2009 supplemental. By providing assistance and aid to our allies in the Middle East, we strengthen our position and make a vital investment in global and national security.

A vote against this continuing resolution is a vote to cut off aid to our allies like Israel and the Middle East at a time when they are critical for the global fight against terrorism and to prevent the proliferation of nuclear weapons to Iran.

Through this continuing resolution, we also continue the rate of operations

for the Pakistan Counterinsurgency Capability Fund at \$700 million. This section also continues the terms and conditions included in the fiscal year 2009 and 2010 supplementals which will help build and maintain the counterinsurgency capability of Pakistan under the same terms and conditions.

Mr. Speaker, I have not been a supporter of the escalation of efforts in Afghanistan or in Iraq, but I think there is a strong bipartisan consensus in this body that assisting the Government of Pakistan in counterinsurgency efforts is one of the most critical fronts to protect Americans from terrorism, from a resurgence of the Taliban and from allowing al Qaeda a foothold in that area.

There are vital programs that we must continue to fund without interruption. There may be some who question the need for a CR. Let me remind everyone that with the exception of fiscal years 1989, 1995 and 1997, at least one continuing resolution has been enacted for each fiscal year since 1955.

I encourage my colleagues to support the necessary rule for this CR as well as the underlying CR to prevent the Federal Government from shutting down, jeopardizing our allies and friends across the world, as well as the safety and security of Americans.

I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. I want to begin by expressing my appreciation to my good friend from Boulder, a hard-working member of the Rules Committee, and I want to associate myself with much of what he said.

We obviously have very important priorities that need to be addressed, whether it's dealing with environmental issues, border security, FMF, the Pakistani anti-insurgency effort, all of those things are very, very high priorities which need to be addressed; and so I think he is right on target in pointing to those.

The unfortunate thing, Mr. Speaker, is what is it that got us to the point where we are at this moment.

We all know that the American people are hurting. We know that unemployment benefits have expired. We know that we have looked at the election that took place on November 2 and that, in and of itself, was evidence of a high level of anger and frustration that has been shown by the American people, I mean, the largest turnover in this institution in nearly three-quarters of a century. And by virtue of that, it seems to me that we need to realize that there is a message that has been received, and that message is a clear one.

This business-as-usual pattern cannot continue. And when I say "business as usual," it's a very tragic and sad commentary as to what business as usual has become. Because in this 111th

Congress, we have for the first time since passage of the 1974 Budget and Impoundment Act not passed a budget. We have not even dealt with the budget issue, and that has played a role in getting us to where we are at this moment.

The importance of keeping the government running is one which Democrats and Republicans alike acknowledge, but we also know that we have what my friend described as constitutional responsibilities; and those constitutional responsibilities, under article 1, section 9, are for us to do everything that we can to make sure that we responsibly expend those taxpayer dollars. We basically abrogated our responsibility.

So for the first time in history, we have not passed a budget. And then, Mr. Speaker, if you look at what has happened in the last 2 years, we have for the first time ever not allowed Democrats or Republicans an opportunity to participate in a free-flowing open debate on appropriations bills, which had always been the case on virtually every appropriations bill up until this Congress.

□ 1050

And it's unfortunate that we have gotten to this point, because if we had had that free-flowing debate, Mr. Speaker, I'm convinced that we wouldn't be here today with this continuing resolution. Of course, I acknowledge that continuing resolutions have taken place in the past, but I wrote down the remarks that my friend just offered when he said that this continuing resolution will continue the funding levels that we have had already in existence. That's the funding level for the massive trillion-dollar so-called stimulus bill, the appropriations bills which have seen a 91 percent increase in the past 4 years in non-defense—nondefense discretionary spending. That's what is being maintained with this continuing resolution, and that is why we are very, very concerned, Mr. Speaker, about continuing to move in that direction.

Now, I believe that there are a number of things that have to be done. And the reason that I'm concerned and opposed to the continuing resolution that we have before us is that it does perpetuate this "business as usual." So I mentioned the message that came from the November 2 election. We all know that. Democrats and Republicans alike recognize that the American people are angry, they are hurting, and they want change.

Well, Mr. Speaker, we know how important this issue is that we are trying to address. We have the Debt Commission, which was scheduled to have a vote today. It's now been postponed until Friday. They are looking at attacking this issue. We have a month before the 112th Congress convenes. And it seems to me that at this moment, certainly following the outcome of the November 2 election, the respon-

sible thing for us to do would be to take on these issues right here and now.

We are looking at the challenge of getting the economy growing, as I said in my 1-minute presentation. And I bring this up because I know my friend from Boulder shares the commitment I have to prying open new markets around the world so that we can create good American jobs for people.

In fact, I met yesterday with the new Ambassador, Gabriel Silva, from Colombia, who has just taken over from Carolina Barco, who did a spectacular job, as we all know, working diligently to try and pass that U.S.-Colombia free trade agreement which has been languishing for 3 years. And again, for the first time in history, having passed the Trade Act in 1974, we saw that measure thrown aside by Speaker PELOSI nearly 3 years ago after the deal had been signed and was sent up by then-President Bush.

The numbers that we got yesterday from this meeting that I'm going to be releasing in a "Dear Colleague," that I know my friend will look at, interestingly enough is in the area of agricultural products. We have seen the level of exports of U.S. agricultural goods drop from 46 percent to 22 percent in the last 2 years from the U.S. to Colombia. And at the same time, Colombia is dramatically expanding its trade relationship with Mercosur, the four countries in South America: Paraguay, Uruguay, Argentina, and Brazil. They developed a greater linkage with Western Europe. And here in the United States of America, we could create good jobs, get our economy growing and generate revenues to deal with many of these priority items that my friend mentioned in his remarks that need to be addressed. We'd have the revenues to deal with border security, foreign policy issues, and environmental issues if we could create good American jobs by opening up these markets.

And so that is why, Mr. Speaker, it seems to me that, as we look at the notion of a 17-day continuing resolution to keep the government going and the expiration of unemployment benefits, what we should be doing is we should have a laser-like effort focused on our need to create good American manufacturing jobs.

My California colleague was critical of me for talking about the importance of creating union jobs. He said that I couldn't have it both ways because I didn't vote for the nearly trillion-dollar stimulus bill and somehow want to create good union jobs by expanding market-opening opportunities for U.S. workers. Well, I believe that union and nonunion workers will benefit.

Workers from companies, as I mentioned in my 1-minute speech, like Caterpillar, like John Deere, like Whirlpool and others, companies in my State of California, would have a chance to have union members, union and non-union workers, have opportunities that



don't exist today because we haven't opened up these markets.

And so, Mr. Speaker, it seems to me that as we look at the challenges that are lying ahead, the notion of saying we are going to continue funding at the levels that created a 91 percent increase in nondefense discretionary spending, that we're going to continue the funding levels that have created that obviously failed \$787 billion, if you add interest and all, it's a trillion-dollar stimulus bill which has been decried as having failed by people all across the political spectrum, and if you look at the notion of our denying the American people a chance to have their proposals heard through their elected representatives with the kind of free-flowing debate when it comes to the notion of trying to bring about reductions in spending is just plain wrong.

That is why I'm going to urge my colleagues, Mr. Speaker, to oppose this measure. I believe that we can do better.

With that, I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield myself such time as I may consume.

I agree with my colleague from California that to the extent we can grow American markets we need to work together in a bipartisan way to do that. I joined my colleague on letters to the President as colleagues on both sides of the aisle to encourage the further development of trade relationships, certainly starting with trade agreements that are very near completion with Colombia, Panama, and South Korea.

And also, I had the opportunity to host the honorable ambassador from Panama, Jaime Aleman, in my district of Colorado not too long ago, and I was able to introduce him to a number of Colorado businesses which stand to benefit from these.

Now, of course, as a matter of how this comes to pass, that these efforts could not be initiated by this body, we could not have an amendment to a CR if this was an open rule. We could not have an amendment to an appropriations bill which contained a trade agreement. It has to be negotiated and delivered to us by the administration.

And I know that President Obama has been committed to delivering and working on these trade agreements. In fact, in this very body, in the State of the Union address, President Obama very proudly talked about the export agenda and what it meant for American job creation. Of course, this means union jobs and it means nonunion jobs. It means job creation overall. The President remains committed to continuing to grow the market for American products and services across the world. That includes enforcing intellectual property provisions and it includes making sure that American products are available across the entire world.

Now, again, one of the issues that would be threatened if this continuing resolution is not passed is the flow of

products across our border. The funding will run out for the Border Patrol and the ports of entry. Products coming into this country, for good reason, have to be inspected. Some of that has to do with whether there are illegal, illicit products, narcotics that are being smuggled, whether there are illegal people that are being smuggled, or whether products that are not allowed to be sold here or were not created in compliance with our existing trade agreements are created. The border security efforts would be gutted if this continuing resolution does not pass, leaving trade in the lurch and leaving American job creation in the lurch. So this bill has an important nexus in international trade.

The passage of this continuing resolution will facilitate the continued funding of our ports of entry, the continued funding of our border inspection services for both goods and people, which must continue. What degree of confidence would our negotiating partners of South Korea, Panama, and Colombia and many others have on our own ability to deliver on our trade agreements if the funding runs out at our ports of entry for goods and products? We must not allow that to happen.

□ 1100

I also certainly agree that the public, as demonstrated in the last election, they want a change in the business as usual, and I think that change has not yet fully manifested itself. Yesterday this body passed the Pickford-Cobell bill, a long-overdue bill to pass, but it had one earmark in it, a Republican earmark from the Senate, from Senator JON KYL of Arizona, a very large earmark that apparently was the price of support of getting it out of that body.

I am happy to say that this continuing resolution before us today is a very clean CR, a very clean continuing resolution, that would allow during this negotiating process—and where we wind up with regard to these appropriation bills next year and the year after is a very important issue for political discussion, a very important issue between both parties to come to consensus around what we can do to pass both bodies. But it is not what we are debating here today. We are simply allowing the Federal Government to continue to operate its ports of entries, its border security, counterinsurgency efforts in Pakistan, continued aid to Israel, Egypt, Jordan, and the Middle East, continuing to allow these programs to operate for a 2-week period while we seek the bipartisan consensus that will emerge and is necessary to continue to be able to pass the appropriations bills that are necessary to allow government to continue funding.

So this CR is an important part of our democratic process, and at least one continuing resolution has been enacted for every fiscal year since 1955. Traditionally they have been in many

of those cases clean continuing resolutions, and simply allowed at the previously agreed upon rates by these bodies the Federal Government to continue while the negotiations are pending.

I also believe it would strike panic in global financial markets if the Federal Government closes down and people don't have confidence that this Congress can even allow the Federal Government to continue its routine operations while the negotiating process for future agreements is still underway. So I encourage my colleagues to support this process through its conclusion over the next 2 weeks and support this continuing resolution.

I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I urge my colleagues to vote "no" on this resolution.

I yield back the balance of my time.

Mr. POLIS. Mr. Speaker, it is standard and bipartisan practice to consider continuing resolutions under a closed rule. I would say this has been the practice on both sides of the aisle. Republicans have issued closed rules for every continuing resolution that they considered in both the 108th and 109th Congresses. Our goal with this continuing resolution is to do this in as clean a way as possible that allow these vital functions of government to continue to function: facilitation of international trade, our counterinsurgency efforts in Pakistan, our border security, and our sky marshals.

In recent history, again since 1955, at least one continuing resolution has been enacted in each fiscal year except for three. And, in fact, during the entire 59-year period, from 1952 to 2010, there were only four instances when all of the regular appropriation acts were enacted on time.

Mr. Speaker, the democratic process is a time-consuming one, but it is one that is worthwhile, and it is one that ultimately will reflect the will of the American people with appropriations bills that emerge from the Senate and from the House ultimately to be signed by the President. This continuing resolution gives our democracy time to work and makes sure that the world will not lose confidence in our country. It makes sure that our vital security interests here and abroad are maintained—our aid to our allies, our security, and our ports of entry here at home. We must make sure that the safety of the American people doesn't pay the price for the time it takes for our democracy to work. I strongly encourage my colleagues to support the rule and the bill.

I would like to thank Chairman OBEY for his leadership on this bill, and his staff for their hard work and their dedication.

I urge a "yes" vote on the previous question and the rule.

I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.



The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### PROVIDING FOR CONSIDERATION OF S. 3307, HEALTHY, HUNGER-FREE KIDS ACT OF 2010

Mr. MCGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1742 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1742

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the bill (S. 3307) to reauthorize child nutrition programs, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 of rule XXI. The bill shall be considered as read. All points of order against the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Education and Labor; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 1 hour.

Mr. MCGOVERN. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

#### GENERAL LEAVE

Mr. MCGOVERN. I ask unanimous consent that all Members be given 5 legislative days within which to revise and extend their remarks on House Resolution 1742.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

H. Res. 1742 provides a closed rule for consideration of S. 3307, the Healthy, Hunger-Free Kids Act of 2010. The rule provides 1 hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Education and Labor.

The rules waives all points of order against consideration of the bill except those arising under clause 9 of rule XXI. The rule provides that the bill shall be considered as read. The rule waives all points of order against provisions of the bill. Finally, the rule provides one motion to recommit the bill with or without instructions.

Mr. Speaker, before I begin, as many of my colleagues know, my colleague

from Florida (Mr. LINCOLN DIAZ-BALART) has decided not to seek reelection and move on to other endeavors in his home State of Florida. I just want to publicly thank him for his friendship over the years, and also thank him for his great service not only to the people of Florida but to the people of this country. This may be the last rule that we handle together, so I wanted to take this opportunity simply to acknowledge his service and to thank him.

Mr. Speaker, we have the opportunity today to pass a very good bill that will improve the lives of our children. And I believe that we must seize that opportunity.

I want to thank Speaker PELOSI and Chairman MILLER, Congresswoman DELAURO, Congresswoman MCCARTHY, and others who have worked so hard on this issue. And I want to say a special thank you to First Lady Michelle Obama. She has been an incredible champion for our children, particularly in the areas of nutrition and obesity.

□ 1110

She has challenged us to live up to one of our highest moral obligations—to make sure that the children of this Nation have the nutritious food they need to grow, to thrive, and to succeed.

Mr. Speaker, as many of my colleagues know, I chair both the House Hunger Caucus and the Congressional Hunger Center, and I've said many times that hunger is a political condition. We have the resources to end hunger, particularly childhood hunger, and what we need is the political will to make it happen.

President Obama has pledged to end childhood hunger in America by 2015. If we support that goal, then we must pass this bill. I hope that the Members of this House, all of us, Democrats and Republicans, can come together today to summon the political will necessary to move forward on this issue.

There is not a single community in America that is hunger free. Talk to any food bank. They will tell you that the demand has never been greater, and far too many of the people who need help are children.

The child nutrition bill that we will take up today gives us a chance to provide healthy meals to hundreds of thousands of children who need them. It's also important to remember that hunger and obesity are two sides of the same coin. The fact is that highly processed, empty calorie foods are less expensive than fresh, nutritious foods. That's why so many families are forced to make unhealthy choices. This bill increases the reimbursement to schools for meals by 6 cents a meal, 6 cents, and that's the first increase in 30 years.

Too often, the only nutritious food our kids get is in a school setting, and this bill also increases access to after-school programs. And the bill helps communities to establish farm-to-school networks, which are not just good for children, but they're also good for our local farmers.

Now, it's no secret, Mr. Speaker, that I've had concerns with how this bill is paid for, and I remind my colleagues that this bill is fully paid for. The cuts to the SNAP, or food stamp, program don't make a lot of sense to me. I don't believe we should be taking access to food away from some people in order to provide it for others. But we have been assured, repeatedly, by the President and the White House that they will work with us to restore these cuts, and I look forward to working with the administration and my colleagues to make sure that the White House lives up to that commitment. Quite frankly, if I did not believe that this commitment to restore SNAP funding was real, I would have had a hard time voting for the underlying legislation.

Mr. Speaker, this bill, this exact same piece of legislation, passed unanimously in the Senate. Every single Member in the Senate, including a Who's Who of the most conservative Republicans, voted for reauthorizing our child nutrition programs. Unfortunately, from what I heard in the Rules Committee last night, that probably won't happen today in the House.

Some of my friends on the other side of the aisle have no problem expanding wasteful weapons systems. They have no problem expanding tax cuts for millionaires and billionaires on Wall Street, but apparently, some of them have a problem with expanding access to nutritious food for our children.

They say it's an outrageous example of Big Government or that a high school basketball team would be prohibited from having a bake sale. Nonsense. Utter nonsense. As the president of the national PTA has said, "The measure will effectively eliminate the constant presence of junk food in school while allowing reasonable practices like periodic PTA or other school group fundraisers, such as bake sales, and the sale of hot dogs and sodas at after-school sporting events."

An extra few million for a hedge fund manager who doesn't need it? No problem, so my Republican friends say, but heaven forbid we spend another 6 cents to make sure our kids have a more healthy school lunch. Those may be their priorities, Mr. Speaker, but they're not mine, and they're not the priorities of the people in my district.

Some of my friends on the other side will say that they want no children in our country to go hungry. Fair enough. Here's their opportunity to put their vote where their rhetoric is. Here's their opportunity to demonstrate that their concern for the hungry in this country is more than just lip service.

Mr. Speaker, I understand the politics here. It's pretty simple. If the President's for it, my Republican friends are against it. But I would ask them and I would plead with them to check those politics at the door just this once. Please don't sacrifice an opportunity to improve the lives of millions of our children on the altar of partisan politics.

The need to act is clear. Our moral obligation is clear. Our children are getting sicker and sicker and sicker. If kids don't have enough nutritious food to eat they don't learn. We are wasting millions and millions of dollars on health care for diseases like diabetes and heart disease that are preventable with healthier diets.

Today, we could begin to turn that tide. Please join us in doing the right thing. I urge my colleagues to support this rule and the underlying bill.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume, and I thank my friend from Massachusetts (Mr. MCGOVERN) for yielding me the time.

First, Mr. Speaker, thank you. I don't know if I will have the privilege again of speaking on this floor while you're presiding, and I want to thank you for your service and especially for your friendship.

And to Mr. MCGOVERN, I thank him for his kind words. I said a few days ago in some remarks here on the floor that this is a great honor of being a Member of Congress of the United States I will never forget, and for the rest of my days, I will feel that honor. And I thanked all of my colleagues, those who have helped me during the years here and the many battles that I've been involved in, and those who have opposed me. And so I think it's appropriate to point to the example of the graciousness demonstrated by Mr. MCGOVERN. We've had very strong debates on this floor, and yet, he demonstrated that graciousness once again today. I thank him for his words, and as I did the other day, I thank all of my colleagues, those who have agreed with me and those who have opposed me, for the great honor of having been able to serve along with them here in this Congress.

Mr. Speaker, we have been discussing the issue of the effect of the debt on the economic reality of the American people, and as a matter of fact as this Congress starts reaching an end, I think it's appropriate to bring forth the fact to remind our colleagues that this is going to be, I believe, the first Congress where we have not seen even one open rule. So we stand here today with another piece of legislation being brought to the floor with no amendments allowed by the Rules Committee and, in this case, a product from the Senate before us that has had absolutely no input from Members of the House.

I think that all of us in this House, certainly an overwhelming majority of the membership of the House, would support—I certainly do—the continuation and reauthorization of reduced and free school food programs. The bill before us unfortunately does not improve upon the current situation in that regard.

□ 1120

In fact, the bipartisan National Governors Association has outlined several

problems that they have with this underlying legislation, and I was reading some hours ago their objections. Governors Ritter of Colorado and Rell of Connecticut highlighted new certification and monitoring mandates that will be forced on States by this legislation in order for the States to be able to continue their important participation in these programs.

Actually, I was disturbed to learn from the bipartisan National Governors Association that the underlying legislation sets a federally mandated minimum price that school districts must pay for meals. In the past, if a school district negotiated lower food costs, that was considered applying smart business practices by the school districts. But no longer. With a mandatory minimum, school districts are now going to have to pay more for their food programs, which of course will be passed along to middle class families in the form of higher meal costs.

So I think, in reality, what we are seeing in this legislation is a tax increase on working families. Unfortunately, a substitute that was brought forth in the Rules Committee by the minority, by Ranking Member KLINE, which would have reauthorized these important programs, was not allowed to be offered. That substitute amendment would have extended and strengthened the existing important programs but would have avoided the new mandates on States and communities.

There is another issue, Mr. Speaker, that I think is important to bring out. In order to pay for the new programs in this legislation, the congressional majority decided to use previously appropriated funding intended for the Food Stamp Program. The Food Stamp funds were provided under the so-called stimulus legislation, so it's as though the majority is admitting that taxpayer dollars were incorrectly spent, and they are now using those stimulus funds to pay for these programs.

The stimulus bill was not subject to the so-called PAYGO requirements because the majority labeled it as "emergency spending." Under the rules of the House, emergency spending cannot be used as a PAYGO offset for future spending because it was never originally offset. As a result, the rule that we are debating must again waive the important PAYGO requirements.

Now, I know it's difficult to follow. I was trying to understand it in the Rules Committee last night. But the end result is that this bill is paid for by funds that are borrowed by the Federal Government. So I guess we could say that we are voting to provide our children with nutritious school lunches which will be paid to foreign entities in the future, with interest, foreign entities from which we are borrowing funds, thus adding to our national debt and imposing new fees on families.

By the way, we could have reauthorized these programs without adding to

our national debt and imposing new fees on families. Adding to our national debt in that way and imposing new fees on families is not the solution to improving the Nation's school meal programs at a time when, obviously, many are struggling.

At this time, I reserve the balance of my time.

Mr. MCGOVERN. Let me just respond to my colleague briefly by saying, when he talks about borrowing, I can't help but be reminded of the fact that my friends on the other side of the aisle have borrowed countless billions of dollars to pay for tax cuts for millionaires and billionaires. They have no problem with doing that. They have no problem with borrowing money to pay for wars. That all goes onto our credit card. They have no problem with that.

Mr. Speaker, what we are doing here is improving the quality of nutritious food that our kids will have access to. In doing so, we accomplish a number of things.

One is we end up with healthier kids who, quite frankly, will grow up to be healthier adults, which—guess what?—will cost less to our public systems. We are ensuring when our kids get healthy meals that they can learn better in school. I don't think there is any debate—maybe there is on that side of the aisle—about the fact that there is a tie between kids' ability to concentrate and learn and having adequate food and having healthy food.

So I would say to my colleague Mr. DIAZ-BALART, we are paying for it, and I know we are paying for it because I don't like the offset. I don't like the fact that the offset that the Senate gave us was in the SNAP Program. I've been fighting that offset. That is a real offset and it has real consequences. It is one of the reasons we are lobbying the White House: to find an alternative offset.

But let's not diminish the fact that, by passing this bill, we are actually saving this government countless billions, if not trillions, of dollars down the road by making sure that our kids have access to nutritious food in the school setting.

At this point, I yield 3 minutes to a valued member of the Rules Committee, the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. I thank the gentleman from Massachusetts and would like to join him in expressing my great honor in having served with the gentleman from Florida.

It is my hope that he and I have another opportunity to manage a rule together. It is my expectation we will have the opportunity to manage another rule together. But in the event that that doesn't happen, I would like to express my warm wishes for his continued success in his future. I very much look forward to seeing what the gentleman from Florida will be involved with next, and I look forward to staying in touch and in close contact for many years in the future.

Mr. Speaker, I rise in support of S. 3307, the Healthy, Hunger-Free Kids Act of 2010. The passage of this bill, which would reauthorize the Child Nutrition Act, is critical to our Nation's children—to their health and well-being and to their academic success in school. Making sure that our children get a world-class education can't be accomplished if our children don't get the proper nutrition to make it through the day and learn.

I have a background of involvement in public education, both as the superintendent of a charter school I started as well as the chairman of the Colorado State Board of Education. I have tasted and eaten many school lunches. I have seen firsthand how the lack of access to nutritious food prevents too many kids from reaching their full potential—intellectually, academically, and physically.

Childhood hunger and poor nutrition are two of the greatest public health challenges—and yes, education challenges—that face our country. Nearly one-third of American children are overweight or obese, and many of those who are overweight or obese also suffer from malnutrition. This number has been on the rise nationally as well as in my home State of Colorado.

This bill tackles both hunger and obesity by addressing access to food and the nutritional quality of food, and I am proud to be an original cosponsor of the House version of this bill. This bill facilitates a coordinated approach across all levels of government, the private sector, communities, school districts, and families to make real positive change.

Specifically, this bill ensures up to 115,000 more eligible children access to school meals through direct certification, reduces paperwork, makes qualification easier, and creates savings for school districts. It increases the lunch reimbursement rate by 6 cents per meal. That is the first real increase in over 30 years. It requires updated Federal nutritional standards for school meals, strengthens local school wellness policies, and continues to provide schools with increased resources and training to improve meal quality.

In particular, I am pleased that this bill will strengthen school districts' wellness policies. These provisions, which I introduced in the House in H.R. 5090, the Nutrition Education and Wellness in Schools, or NEW Schools Act, were also supported by the White House Task Force on Child Obesity report and included in the bill.

Our schools should be our first defense against childhood obesity and unhealthy nutrition habits that stay with kids as they mature into adults and even have an intergenerational effect across their lives. While hunger affects people of all ages, it is particularly devastating for children.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. McGOVERN. I yield the gentleman an additional 30 seconds.

Mr. POLIS. Overall, this is a very strong bill that makes the necessary and responsible investments and that represents a critical step in answering President Obama and First Lady Obama's call to end childhood hunger. For the sake of the health and well-being of our Nation's schoolchildren and our future, I urge my colleagues to support the rule and to pass the Healthy, Hunger-Free Kids Act.

□ 1130

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my pleasure to yield 3 minutes to my friend from New York (Mr. LEE), who is the author of the proposal that we will be discussing subsequently, the YouCut proposal.

Mr. LEE of New York. I thank the gentleman for yielding.

The American people are truly frustrated, and we saw that in the November election. They are demanding that Congress start to do what they were brought here for, and that is to get our fiscal house in order.

Mr. Speaker, I introduced the STOP the Overprinting Act earlier this year as a commonsense way to cut spending in Washington, and I appreciate your support in selecting it as this week's YouCut winner.

When a Member of Congress today introduces or cosponsors a bill, we receive five printed copies of the legislation, regardless of the length. The best example I can show is the 2,000-plus page health care bill that stands here. So, in essence, you would be getting 10,000 copies of paper in your office when, in fact, each office has it readily accessible online—a waste of money. This bill was introduced months ago, and we finally now have an opportunity to do something about this needless spending that's going on.

When the bill was introduced, just on this bill alone, the Government Printing Office had to print nearly a half million pieces of paper. Again, that's just on one single piece of legislation. In this last Congress, we've had more than 14,000 bills that were introduced—a lot of unnecessary cost and waste when the American people keep scratching their head as to what's going on in Washington. We have a very simple way to save money. This week's YouCut vote will save \$35 million over the next 10 years.

The unfortunate thing about Washington is that unless that amount has either a "B" or a "T" after it, bureaucrats are ignoring it. That has got to stop, and that's why we saw such a huge change in the November election.

Simply put, we've got the information online. Let's start doing what the private sector has been doing for years—going paperless. This is a very simple way to do it. We've got to start managing a budget and doing what the private sector is doing and looking for every way that we can start saving a dollar. Starting now, we truly can change that attitude in Washington

and start cutting wasteful spending by supporting this YouCut bill.

Over the past several months, House Republicans have been stressing this for some time, and we have proposed over \$155 billion in savings for taxpayers through this YouCut initiative. Despite the more than 2.5 million votes cast, Republicans—and those of you who have cast your votes through YouCut—have been met with a lost resistance on the other side. Hopefully, that will change.

Again, thank you for your vote and for your participation in cutting Washington spending through this YouCut initiative.

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BACA), who will focus on the important issue of child nutrition.

Mr. BACA. I thank the gentleman from Massachusetts, and I thank the gentleman from Florida and wish him the very best of luck in his future. He has been a good friend and a terrific legislator, too, as well here.

I rise in support of S. 3307, the Healthy, Hunger-Free Kids Act.

Too many families are struggling to put food on the table. There are 40 million people going hungry in the United States right now. We recently passed the SNAP program. We recently put stimulus money to increase the SNAP program to provide food for many individuals. There is 9.6 percent unemployment in the United States, 14 percent in my district alone. These are individuals that are struggling to put food on the table.

Can you imagine a child that does not have the ability to put food in their stomach? One in four American children are currently at risk of going hungry. You have to feel what a person who is actually going hungry and doesn't know where their meal is coming from. And one in three American children are either overweight or obese. When we talk about it's going to cost the taxpayers money, no, it's actually going to save the taxpayers money in the long run because it's costing us, right now, \$147 billion in what we are paying for obesity right now. It would reduce our health costs in that area, reduce our costs overall.

As chair of the House Agriculture Committee on Nutrition, I chaired hearings both in Washington and in California to explore ways to fight childhood obesity and increase access to healthy food. Today's legislation offers a step forward in addressing both child hunger and obesity. This bill expands the after school and summer meals programs, better connects eligible children with free meal benefits, improves and expands the school breakfast programs, extends the WIC certification period for children, and puts more fresh fruits and vegetables into our schools.

We passed the No Child Left Behind. Well, can you imagine a child going to school and having to pass a test?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCGOVERN. I yield the gentleman from California an additional 30 seconds.

Mr. BACA. Many children have a difficult time passing a lot of these tests because they're going hungry.

None of us are pleased with the cuts to the SNAP program made by this bill, but I am committed to work with the administration and my colleagues on the House Agriculture Committee to ensure that we fully fund the SNAP program.

I urge my colleagues to stand up with our children and pass this much-needed legislation. I ask you to support this.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my privilege to yield 2 minutes to my friend from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. I thank the gentleman for yielding me time.

Mr. Speaker, on Election Day, the American people sent a very clear and unmistakable message—that it is time to reduce the size of government and to cut spending. In fact, they have been demanding that we take these steps for some time, but unfortunately the leadership in this Congress has been unwilling to listen.

The Republicans in this House have heard the calls of the American people and earlier this year began a YouCut program in which the American people actually get to choose specific spending cuts that we attempt to bring to the floor. We understand the need to change the culture around here from one of spending to one of fiscal discipline, cutting spending and ending the practice of piling a mountain of debt onto future generations.

Today's YouCut looks to end the practice of wasteful spending by eliminating the mandatory printing of all congressional bills and resolutions by the Government Printing Office, potentially saving over \$35 million over the next 10 years. Certainly that is something that we can all agree is a commonsense cut.

I would urge my colleagues to join me in voting "no" on the previous question so that we can have the opportunity to bring this commonsense spending cut to the floor. If they do not intend to join us in the effort to end the spending now, American taxpayers can rest assured that our new Republican majority will bring this cut and many, many others, Mr. Speaker, forward in the next Congress as we endeavor to get America's fiscal house in order.

Mr. MCGOVERN. Mr. Speaker, let me just say to the gentlewoman that when they are in charge next year, I am happy to support her in eliminating excessive paperwork. But I wish she and others would understand the importance of what we are discussing here today, feeding hungry kids, making sure that our children get nutritious meals at schools. I mean, I've got to be honest with you. I think that's a hell of a lot more important. The fact that, to some of my friends on the other side of

the aisle, this appears as if it's some sort of a trivial issue tells me that they haven't been to food banks and they haven't been in some of their schools talking to teachers and talking to the people who oversee the food service program about the challenges that so many school districts face in providing healthy meals to our kids.

We all talk about how we want to control health care costs. Let's give our kids healthy food in school settings. That will do more to control health care costs and ensure that kids will have a healthy adulthood. You want to deal with the issue of better test scores? Making sure kids have a good, nutritious meal in a school setting is one of the ways to do that.

□ 1140

That's an important issue. This is a big deal what we're talking about here today. This is one of the most important pieces of legislation that has come to this floor, and I would appreciate if my friends on the other side of the aisle would join us in supporting this underlying bill so we can get it on the President's desk at the end of the day to get him to sign this so we can move forward in an area that is of great importance.

Mr. Speaker, at this time I would like to yield 4 minutes to the gentlewoman from Connecticut (Ms. DELAURO) who's been a champion on this and so many issues dealing with food insecurity and hunger and good nutrition.

Ms. DELAURO. I thank the gentleman. And I might just say to the prior speaker on the other side of the aisle that the American people did not vote to cut food for kids in our country. They voted to cut the tax cuts that are provided to the corporate special interests in this Nation, which the other side of the aisle seems to have no problem with.

I rise today in support of this rule. The Hunger-Free Kids Act represents a long overdue, a much-needed commitment to the health and to the well-being of our schoolchildren. We all know the double-edged problems that millions of young people currently face.

Today's kids are threatened by both a growing obesity epidemic, and far too many struggling families in this economy are facing gnawing hunger. According to a recent report, one out of every four young adults is too overweight to serve in our military. At the same time, according to the Food Research Action Center, one out of every four households with children experienced food hardship this year—meaning they did not have the money to purchase the food their families needed.

Don't let people fool you with words like "food hardship" and "food insecurity." It results in hunger. Kids in this Nation are going to bed hungry every single night.

This bill marks a significant step forward against both fronts of this dan-

gerous pincer movement. By expanding access to and emphasizing good nutrition for all schoolchildren, this bill will reduce hunger. It will reduce obesity. The Hunger-Free Kids Act will add 115,000 new students into the school meals program by using Medicaid data to certify eligible kids. It will provide an additional 21 million meals a year by reimbursing providers for after-school meals to low-income children.

While expanding access to meal programs, this bill also works to improve the nutritional quality of all of the food in our schools. It sets national nutrition standards that will finally get all of the junk food infiltrating our classrooms and our cafeterias out the door. And for those schools who comply with these revised nutrition standards, it provides the first real reimbursement rate increase—6 cents a meal. And that is the largest increase we have seen in over 30 years.

This bill will also strengthen the farm-to-school networks so that more healthy produce, local foods, even the foods that are grown in the school gardens can find their way into the menus.

Our kids consume roughly 35 to 50 percent of their daily calories during the school day. By passing this bill, we can help see they are getting enough nutritious food to stay healthy, to grow, to learn, to succeed.

Given the current economic climate, I know some will ask, How can we afford this bill? I say how can we afford not to pass it? Leaving millions of children hungry and malnourished in the name of budget-cutting is penny wise, pound foolish, and is unconscionable—especially from those who would now say let's provide the richest 2 percent of the people in this Nation with a tax cut of over \$100,000 a year. They're eating well, they're eating high on the hog, and kids are going to bed hungry every night in our Nation.

Countless studies have shown that kids with access to a nutritious breakfast learn more and perform better in school. From the very beginning, I have been working, and others have been working, to expand access to Federal aid, including the Supplemental Nutrition Assistance Program—yes, the food stamp program—for eligible children. We want to make sure that all of our kids have access to the nutrition that they need for a healthy future.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. MCGOVERN. I yield the gentlewoman an additional 1 minute.

Ms. DELAURO. Using the food stamp as an offset at a time when one in five kids receives food stamp assistance moves us away from that goal.

Nevertheless, this legislation is a big step forward. I, for one, and others have said we will continue to push to see that the SNAP funding is restored; we will work with the White House to make sure those funds are restored. I'm happy to see the Congress moving in the right direction today and pledge to

fight to continue to have access to the resources that will allow us to have all kids who are eligible for these resources have the accessibility to gain these resources.

I urge my colleagues to vote in favor of this rule. Nothing that we do in this body is as important as ensuring that our children, our grandchildren, and the next generation of Americans have the tools, the opportunities and the nutrition that they need to thrive and to succeed. Our kids deserve no less.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I'd just like to point out I think it's important to clarify that if our proposal today, the YouCut proposal, to eliminate for the taxpayer unnecessary spending on paperwork, if that's adopted it would not negate in any way consideration of the underlying bill on the lunch programs.

At this point I would like to yield 2 minutes to my friend from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Speaker, I would like to say that I applaud the first lady, Michelle Obama, for her efforts in childhood obesity. I hail from the State of West Virginia, which has probably some of the highest percentages of childhood obesity; and I think the issue in the underlying bill is tremendously important for our Nation and for the future, as is the nutritional aspects of that.

And as the gentleman from Florida said, I'm going to talk on the YouCut because I believe cutting spending and not passing on generational debt to those same children is an important issue as well.

Over the last few months, millions of Americans have used YouCut as a way to voice their concerns over the out-of-control spending in Washington, and many have offered their own solutions on how the government can be more efficient and more accountable. Unfortunately, most of these have fallen on deaf ears as the Congress has voted repeatedly not to try to rein in the spending of taxpayer dollars, and we simply cannot continue down this path. Each week we have brought a simple, yet effective way to cut spending before the House, and it has failed every time.

So today I will support eliminating the requirement to print copies of every single bill and resolution—imagine how many pages that is—that's been introduced in Congress because all of these are already available online.

I want to congratulate Mr. LEE of New York for bringing forth this proposal. This will save millions of dollars over the next decade—a small number in the grand scheme of things—but nevertheless a significant start.

There is no question that cutting the deficit will require some tough decisions on our part, but let's start out now on one which everyone can agree, and I think this should be one of them.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

When my friends talk about passing on to future generations debt, I can't

help but wonder where they were when President Bush passed these tax cuts that added over a trillion dollars to our debt, totally unpaid for, most of it going to millionaires and billionaires. And I want to know where they are right now, they want to extend the tax cuts for millionaires and billionaires and they still don't want to pay for it.

But somehow when it comes to debt and piling it on to future generations, when it comes to tax cuts for very wealthy people, they're silent. Where were they when President Bush at 2 o'clock in the morning, they kept a roll call open for 3 hours and passed a Medicare prescription drug bill that cost hundreds of billions of dollars that was totally unpaid for. That cost a lot more than was advertised. Totally silent.

Where are they when some of us are saying, we ought to pay for these wars. If you want them, you ought to pay for them or end them. I'd prefer to end them, but for those who want them you ought to pay for them. They're silent.

When it comes to closing loopholes for big corporations that routinely stick it to the American people, no, no, we can't do that. Even though it might save money for taxpayers, we can put it toward deficit reduction. No, no, no. Those are very wealthy special interests. They want to protect them, whether it's Big Oil or big pharmaceuticals or whatever, at any cost.

□ 1150

So when I hear them talk about debt, I am reminded of the fact that when President Clinton left office we had a surplus. They ran this place and drove this economy into a ditch. And quite frankly, it's been a nightmare trying to dig us out of this ditch.

And I give the President great credit for his courage in trying to move this country forward in the area of health care, and today in the area of trying to move this bill forward on child nutrition. So they have no credibility when it comes to talking about reducing deficits or debt.

And, in fact, as we speak, they are trying to figure out a way I think probably to defeat this bill, to take the money that this bill costs, the offsets for this bill, take that money and put it toward tax cuts for rich people. I mean, that's what they want to do.

So again, I would urge my colleagues to understand the importance of what we are doing today. We are trying to make sure that our kids get healthy food and nutritious food in school settings. We are trying to pave the way for healthy futures for our kids. We want to make sure our kids can learn better. This is important stuff that we are talking about here today, and I would urge all my colleagues to support the rule and to support the underlying bill.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, in closing, I believe it's fitting that those of us on

this side of the aisle are bringing forward another proposal, a YouCut proposal that's been voted on and recommended to this House by a significant number of our constituents. They continue to sound the alarm on government spending, and we must, this Congress must finally listen.

To date, participants in Republican Whip Cantor's YouCut initiative have voted to cut over \$180 billion in spending. This week, those participating have voted for a proposal by Congressman LEE of New York, who we heard from before, to end the unnecessary printing of congressional bills and resolutions.

I think it's appropriate that we finally acknowledge the existence of the Internet, and that much unnecessary spending is taking place through the printing of documents. That was appropriate and logical in the past, but not after the development of many new technologies.

So I will be asking Members to vote "no" on the previous question so we can have a vote on Congressman LEE's proposal. And again, I remind my colleagues that a "no" vote on the previous question will not preclude consideration of the underlying legislation that we have been debating today.

I ask unanimous consent, Mr. Speaker, that the text of the amendment and extraneous material be placed in the RECORD prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Again, I urge my colleagues to vote "no" on the previous question and "no" on the rule.

Having said that, I yield back the balance of my time.

Mr. MCGOVERN. I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, my Republican friends will do what they always do. They will come up with some stunts to try to get us to delay or to not pass this bill today. That's just what they do. And the fact is that if we change this underlying bill in any way—and I would urge my colleagues to be prepared for probably an uncomfortable or an ugly motion to recommit later on in the debate. But if any of their procedural stunts prevail, then we will end up not passing this bill—the Senate will not consider an amended child nutrition bill; it ends it right here and now—and that would be a tragedy.

I would urge my colleagues on both sides of the aisle to stop the politics just for a few minutes and do the right thing when it comes to this child nutrition bill. This is a bill that will improve access for our kids. This is a bill that increases the focus on nutrition quality and on children's health. It is a

bill that will improve program management and program integrity. It is fully paid for at no cost to the taxpayers.

And I would say to my colleagues on the Democratic side who are concerned about the current offset, that we have a commitment from the White House to fix that in a future vehicle so that the offset is not the SNAP cuts. But the underlying bill here is a good bill, is a good bill that will mean a world of difference for hundreds of thousands, if not millions, of our kids all throughout this country. Making sure that hungry kids get at least one, hopefully more than one nutritious meal a day in a school setting is something we all should be for. It should not be the subject of partisan politics.

Making sure our kids get healthy, nutritious food and not junk in school should be a priority of all of ours, Republican and Democrat alike. This shouldn't be a partisan issue. I mean, the fact that we are here today and there is some controversy around this bill tells me that it's just politics as usual. My friends on the Republican side don't like it because the President likes it. Well, you know what? That's been the routine throughout the entire tenure of this President. But for once, for once, just put the party politics aside and do what's right.

I cochair the House Hunger Caucus and the Congressional Hunger Center. Hunger is a problem in this country. There are tens of millions of our citizens who are hungry. Seventeen million children in this country, the United States of America, the richest country on this planet, are hungry. It's a national disgrace. All of us in this Congress should be ashamed of that fact, that we haven't been able to help be part of the solution in a more significant way. This is one way that we can be part of that solution.

I have a list of national organizations and State organizations, too many to put in the CONGRESSIONAL RECORD, but it is significant. The support across this country for this legislation is significant.

I want to thank the Speaker of the House and Chairman GEORGE MILLER and ROSA DELAURO and CAROLYN MCCARTHY and BARBARA LEE and so many others who have been part of this legislation. I want to thank Senator BLANCHE LINCOLN, who was a champion of this legislation over in the Senate.

But we must act today. We must do what's right for our kids, not for our political party, but for our kids. So enough of the stunts. Let's say "no" to all the stunts today. Let's say "yes" to this important child nutrition reauthorization bill, "yes" to a healthier future for our kids, "yes" to making sure they can better learn in school, "yes" to developing better and healthier habits that will last them a lifetime. This is a good, this is an important bill. This is a big deal today. This is a huge deal, and everybody should join and support the final passage of the bill.

So I urge a "yes" vote on the previous question and on the rule. I urge my colleagues not to fall for any motion to recommit stunts when the bill is under consideration.

Mr. CANTOR. Mr. Speaker, since the beginning of the program, YouCut has offered the potential for Republicans and Democrats to join together to begin tackling America's unsustainable fiscal situation. That's why I was encouraged yesterday when President Obama embraced an idea originally chosen by YouCut voters by declaring a freeze on all non-military Federal employee salaries for the next two years.

This proposal was not an easy one for the President to make, nor was it a pain-free vote for House Republicans when we offered it back in May, as there are thousands of Federal employees who do important work for our country. But make no mistake, no one said that getting America back to opportunity, responsibility and success was going to be easy. We have to make tough choices together if we want to get our economy back to where it needs to be.

This week's YouCut proposal was developed by CHRIS LEE and would eliminate the mandatory printing of bills introduced before Congress, a practice that wasted nearly three million paper copies and approximately \$7 million taxpayer dollars during the 111th Congress alone. With all of the digital technology that's available, surely Congress can find a more efficient and fiscally responsible way to do its business. Changing this body's printing practices would be a simple and important step in the right direction. We must start injecting some common sense into Washington, and this is a no-brainer.

As we look to the new Republican majority, YouCut will serve as an important tool as we strive to transform the culture of spending in Washington into one of savings. As we wrap up this Congress, Mr. Speaker, I encourage our Democrat friends across the aisle to join us in voting for this common sense spending reduction.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 1742 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution add the following new section:

SEC. 2. Immediately upon the adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4640) to amend title 44, United States Code, to eliminate the mandatory printing of bills and resolutions by the Government Printing Office for the use of the House of Representatives and Senate. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the Majority Leader and the Minority Leader or their respective designees. After general debate the bill shall be considered for amendment under the five-minute rule. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause

8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 4640.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress)

#### THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question



on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.”

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. MCGOVERN. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adopting House Resolution 1742, if ordered; adopting House Resolution 1741; and suspending the rules with regard to House Concurrent Resolution 323; House Resolution 1735, if ordered; and House Resolution 1430, if ordered.

The vote was taken by electronic device, and there were—yeas 232, nays 180, not voting 21, as follows:

[Roll No. 587]

YEAS—232

Ackerman	Davis (AL)	Hirono
Altmire	Davis (CA)	Holden
Andrews	Davis (TN)	Holt
Arcuri	DeGette	Honda
Baca	Delahunt	Hoyer
Baird	DeLauro	Inslee
Baldwin	Deutch	Israel
Barrow	Dicks	Jackson (IL)
Bean	Dingell	Jackson Lee
Becerra	Doggett	(TX)
Berkley	Donnelly (IN)	Johnson (GA)
Berman	Doyle	Johnson, E. B.
Bishop (GA)	Driehaus	Kagen
Bishop (NY)	Edwards (MD)	Kanjorski
Blumenauer	Edwards (TX)	Kaptur
Boccheri	Ellison	Kennedy
Boswell	Ellsworth	Kildee
Boucher	Engel	Kilpatrick (MI)
Brady (PA)	Eshoo	Kilroy
Braley (IA)	Etheridge	Kind
Brown, Corrine	Farr	Kissell
Butterfield	Fattah	Klein (FL)
Capps	Filner	Kosmas
Capuano	Foster	Kratovil
Cardoza	Frank (MA)	Kucinich
Carnahan	Fudge	Langevin
Carney	Garamendi	Larsen (WA)
Carson (IN)	Giffords	Larson (CT)
Castor (FL)	Gonzalez	Lee (CA)
Chandler	Gordon (TN)	Levin
Chu	Grayson	Lewis (GA)
Clarke	Green, Al	Lipinski
Clay	Green, Gene	Loebsack
Cleaver	Grijalva	Lofgren, Zoe
Clyburn	Gutierrez	Lowe
Cohen	Hall (NY)	Lujan
Connolly (VA)	Halvorson	Lynch
Conyers	Hare	Maffei
Cooper	Harman	Maloney
Costa	Heinrich	Markey (CO)
Courtney	Herse	Marshall
Critz	Higgins	Matheson
Crowley	Hill	Matsui
Cuellar	Himes	McCarthy (NY)
Cummings	Hinchey	McCollum
Dahlkemper	Hinojosa	McDermott

McGovern	Polis (CO)	Slaughter
McMahon	Pomeroy	Smith (WA)
McNerney	Price (NC)	Snyder
Meek (FL)	Quigley	Space
Meeks (NY)	Rahall	Spratt
Michaud	Rangel	Stark
Miller (NC)	Reyes	Stupak
Miller, George	Richardson	Sutton
Mitchell	Rodriguez	Tanner
Mollohan	Rothman (NJ)	Teague
Moore (KS)	Roybal-Allard	Thompson (CA)
Moore (WI)	Ruppersberger	Thompson (MS)
Moran (VA)	Rush	Tierney
Murphy (CT)	Ryan (OH)	Titus
Murphy (NY)	Salazar	Tonko
Murphy, Patrick	Sanchez, Linda	Towns
Nadler (NY)	T.	Tsongas
Napolitano	Sanchez, Loretta	Van Hollen
Neal (MA)	Sarbanes	Velázquez
Oberstar	Schakowsky	Visclosky
Obey	Schauer	Walz
Oliver	Schiff	Wasserman
Ortiz	Schrader	Schultz
Owens	Schwartz	Waters
Pallone	Scott (GA)	Watson
Pascarell	Scott (VA)	Watt
Pastor (AZ)	Serrano	Waxman
Payne	Sestak	Weiner
Perlmutter	Shea-Porter	Wilson (OH)
Perriello	Sherman	Woolsey
Peters	Shuler	Yarmuth
Peterson	Sires	
Pingree (ME)	Skelton	

NAYS—180

Aderholt	Gallely	Nunes
Adler (NJ)	Garrett (NJ)	Nye
Akin	Gerlach	Olson
Austria	Gingrey (GA)	Paul
Bachmann	Gohmert	Paulsen
Bachus	Goodlatte	Pence
Bartlett	Granger	Petri
Barton (TX)	Graves (GA)	Pitts
Berry	Graves (MO)	Platts
Biggert	Griffith	Poe (TX)
Bilbray	Guthrie	Posey
Bilirakis	Hall (TX)	Price (GA)
Bishop (UT)	Harper	Putnam
Blackburn	Hastings (WA)	Reed
Blunt	Heller	Rehberg
Boehner	Hensarling	Reichert
Bonner	Herger	Roe (TN)
Bono Mack	Hoekstra	Rogers (AL)
Boozman	Hunter	Rogers (KY)
Boren	Inglis	Rogers (MI)
Boustany	Issa	Rohrabacher
Boyd	Jenkins	Rooney
Brady (TX)	Johnson (IL)	Ros-Lehtinen
Bright	Johnson, Sam	Roskam
Brown (GA)	Jones	Ross
Brown (SC)	Jordan (OH)	Royce
Buchanan	King (IA)	Ryan (WI)
Burgess	King (NY)	Scalise
Calvert	Kingston	Schmidt
Camp	Kirkpatrick (AZ)	Schock
Campbell	Kline (MN)	Sensenbrenner
Cantor	Lamborn	Sessions
Cao	Lance	Shadegg
Capito	Latham	Shimkus
Carter	LaTourette	Shuster
Cassidy	Latta	Simpson
Castle	Lee (NY)	Smith (NE)
Chaffetz	Lewis (CA)	Smith (NJ)
Childers	Linder	Smith (TX)
Coble	LoBiondo	Stearns
Coffman (CO)	Lucas	Stutzman
Cole	Luetkemeyer	Sullivan
Conaway	Lummis	Taylor
Crenshaw	Lungren, Daniel	Terry
Culberson	E.	Thompson (PA)
Davis (KY)	Mack	Thornberry
Dent	Manzullo	Tiahrt
Diaz-Balart, L.	McCarthy (CA)	Tiberi
Diaz-Balart, M.	McCaul	Turner
Djou	McClintock	Upton
Dreier	McCotter	Walden
Duncan	McHenry	Wamp
Ehlers	McIntyre	Westmoreland
Emerson	McKeon	Whitfield
Flake	Mica	Wilson (SC)
Fleming	Miller (FL)	Wittman
Forbes	Miller (MI)	Wolf
Fortenberry	Miller, Gary	Young (AK)
Fox	Moran (KS)	Young (FL)
Franks (AZ)	Murphy, Tim	
Frelinghuysen	Neugebauer	

NOT VOTING—21

Alexander	DeFazio	Melancon
Barrett (SC)	Fallin	Minnick
Brown-Waite,	Hastings (FL)	Myrick
Ginny	Hodes	Radanovich
Burton (IN)	Marchant	Speier
Buyer	Markey (MA)	Welch
Costello	McMorris	Wu
Davis (IL)	Rodgers	

□ 1228

Mr. GERLACH changed his vote from “yea” to “nay.”

So the previous question was ordered. The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 230, nays 174, not voting 29, as follows:

[Roll No. 588]

YEAS—230

Ackerman	Ellison	Levin
Altmire	Ellsworth	Lewis (GA)
Andrews	Engel	Lipinski
Arcuri	Eshoo	Loebsack
Baca	Etheridge	Lofgren, Zoe
Baird	Farr	Lowe
Baldwin	Fattah	Lujan
Barrow	Filner	Maffei
Bean	Foster	Maloney
Becerra	Frank (MA)	Markey (CO)
Berman	Fudge	Markey (MA)
Berry	Garamendi	Matheson
Bishop (GA)	Giffords	Matsui
Bishop (NY)	Gonzalez	McCarthy (NY)
Blumenauer	Gordon (TN)	McCollum
Boccheri	Grayson	McDermott
Boswell	Green, Al	McGovern
Boucher	Green, Gene	McIntyre
Brady (PA)	Grijalva	McMahon
Braley (IA)	Gutierrez	McNerney
Brown, Corrine	Hall (NY)	Meek (FL)
Butterfield	Halvorson	Meeks (NY)
Capps	Hare	Michaud
Capuano	Harman	Miller (NC)
Cardoza	Heinrich	Miller, George
Carnahan	Higgins	Mitchell
Carney	Hill	Mollohan
Carson (IN)	Himes	Moore (KS)
Castor (FL)	Hinchey	Moore (WI)
Chu	Hinojosa	Moran (VA)
Clarke	Hirono	Murphy (CT)
Clay	Holden	Murphy, Patrick
Cleaver	Holt	Nadler (NY)
Clyburn	Honda	Napolitano
Cohen	Hoyer	Neal (MA)
Connolly (VA)	Inslee	Nye
Conyers	Israel	Oberstar
Cooper	Jackson (IL)	Obey
Costa	Jackson Lee	Oliver
Costello	(TX)	Ortiz
Courtney	Johnson (GA)	Owens
Critz	Johnson, E. B.	Pallone
Crowley	Kagen	Pascarell
Cuellar	Kanjorski	Pastor (AZ)
Cummings	Kaptur	Payne
Dahlkemper	Kennedy	Perlmutter
Davis (AL)	Kildee	Perriello
Davis (CA)	Kilpatrick (MI)	Peters
DeGette	Kilroy	Peterson
Delahunt	Kind	Pingree (ME)
DeLauro	Kirkpatrick (AZ)	Polis (CO)
Deutch	Kissell	Pomeroy
Dicks	Klein (FL)	Price (NC)
Dingell	Kosmas	Rahall
Djou	Kratovil	Rangel
Doggett	Kucinich	Reyes
Doyle	Langevin	Richardson
Driehaus	Larsen (WA)	Rodriguez
Edwards (MD)	Larson (CT)	Ross
Edwards (TX)	Lee (CA)	Rothman (NJ)



Roybal-Allard  
Rush  
Ryan (OH)  
Salazar  
Sánchez, Linda T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schauer  
Schiff  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shea-Porter

Sherman  
Sires  
Skelton  
Slaughter  
Smith (WA)  
Snyder  
Space  
Spratt  
Stark  
Stupak  
Sutton  
Taylor  
Teague  
Thompson (CA)  
Thompson (MS)  
Tierney  
Titus  
Tonko

## NAYS—174

Aderholt  
Adler (NJ)  
Akin  
Austria  
Bachmann  
Bachus  
Bartlett  
Barton (TX)  
Biggert  
Bilbray  
Bilirakis  
Bishop (UT)  
Blackburn  
Blunt  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boren  
Boustany  
Boyd  
Brady (TX)  
Broun (GA)  
Brown (SC)  
Buchanan  
Burgess  
Calvert  
Camp  
Campbell  
Cantor  
Cao  
Capito  
Carter  
Cassidy  
Castle  
Chaffetz  
Chandler  
Childers  
Coble  
Cole  
Conaway  
Crenshaw  
Culberson  
Davis (KY)  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Donnelly (IN)  
Dreier  
Duncan  
Ehlers  
Emerson  
Flake  
Fleming  
Forbes  
Fortenberry  
Fox  
Franks (AZ)  
Frelinghuysen

Gallely  
Garrett (NJ)  
Gerlach  
Gingrey (GA)  
Goodlatte  
Granger  
Graves (GA)  
Graves (MO)  
Griffith  
Guthrie  
Hall (TX)  
Harper  
Hastings (WA)  
Heller  
Hensarling  
Herger  
Herseeth Sandlin  
Hoekstra  
Hunter  
Inglis  
Issa  
Jenkins  
Johnson (IL)  
Jones  
Jordan (OH)  
King (IA)  
King (NY)  
Kingston  
Kline (MN)  
Lamborn  
Lance  
Latham  
LaTourette  
Latta  
Lee (NY)  
Lewis (CA)  
Linder  
LoBiondo  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel E.  
Mack  
Manzullo  
Marshall  
McCarthy (CA)  
McCauley  
McClintock  
McCotter  
McHenry  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Moran (KS)  
Murphy (NY)  
Murphy, Tim  
Neugebauer

## NOT VOTING—29

Alexander  
Barrett (SC)  
Berkley  
Bright  
Brown-Waite, Ginny  
Burton (IN)  
Buyer  
Coffman (CO)  
Davis (IL)  
Davis (TN)

Melancon  
Minnick  
Myrick  
Radanovich  
Ruppersberger  
Shadegg  
Speier  
Whitfield  
Wu

□ 1236

So the resolution was agreed to.

The result of the vote was announced as above recorded.

Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Wilson (OH)  
Woolsey  
Yarmuth

Nunes  
Olson  
Paul  
Paulsen  
Pence  
Petri  
Pitts  
Platts  
Poe (TX)  
Posey  
Price (GA)  
Putnam  
Quigley  
Reed  
Rehberg  
Reichert  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Royce  
Ryan (WI)  
Scalise  
Schmidt  
Schock  
Sensenbrenner  
Sessions  
Shimkus  
Shuler  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Stearns  
Stutzman  
Sullivan  
Tanner  
Terry  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Turner  
Upton  
Walden  
Wamp  
Westmoreland  
Wilson (SC)  
Wittman  
Wolf  
Young (AK)  
Young (FL)

A motion to reconsider was laid on the table.

Stated for:  
Ms. HIRONO. Mr. Speaker, on rollcall No. 589, had I been present, I would have voted "yea."

# PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 101, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2011

The SPEAKER pro tempore. The unfinished business is the vote on adoption of the resolution (H. Res. 1741) making further continuing appropriations for fiscal year 2011, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 236, nays 172, not voting 25, as follows:

[Roll No. 589]

## YEAS—236

Ackerman  
Altmire  
Andrews  
Arcuri  
Baca  
Baird  
Baldwin  
Barrow  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boccieri  
Boren  
Boswell  
Boucher  
Boyd  
Brady (PA)  
Braley (IA)  
Brown, Corrine  
Butterfield  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chandler  
Childers  
Chu  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Critz  
Crowley  
Cuellar  
Cummings  
Dahlkemper  
Davis (AL)  
Davis (CA)  
Davis (TN)  
DeGette  
DeLauro  
DeLauro  
Deutch  
Dicks  
Dingell

Doggett  
Donnelly (IN)  
Doyle  
Driehaus  
Edwards (MD)  
Edwards (TX)  
Ellison  
Ellsworth  
Engel  
Eshoo  
Etheridge  
Farr  
Fattah  
Filner  
Foster  
Frank (MA)  
Fudge  
Garamendi  
Giffords  
Gonzalez  
Gordon (TN)  
Grayson  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hall (NY)  
Halvorson  
Hare  
Harman  
Heinrich  
Herseeth Sandlin  
Higgins  
Hill  
Himes  
Hinchey  
Hinojosa  
Holden  
Holt  
Honda  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson Lee (TX)  
Johnson (GA)  
Johnson, E. B.  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kosmas

Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loebach  
Lofgren, Zoe  
Lowey  
Luján  
Lynch  
Maffei  
Maloney  
Markey (CO)  
Markey (MA)  
Marshall  
Matheson  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McIntyre  
McMahon  
McNerney  
Meek (FL)  
Meeks (NY)  
Michaud  
Miller (NC)  
Miller, George  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Oberstar  
Obey  
Olver  
Ortiz  
Owens  
Pallone  
Pascarella  
Pastor (AZ)  
Payne  
Perlmutter  
Perriello  
Peterson  
Pingree (ME)  
Polis (CO)  
Pomeroy  
Price (NC)  
Quigley

Rahall  
Rangel  
Reyes  
Richardson  
Rodriguez  
Ross  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Salazar  
Sánchez, Linda T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schauer  
Schiff  
Schrader

Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shea-Porter  
Sherman  
Sires  
Skelton  
Slaughter  
Smith (WA)  
Snyder  
Space  
Spratt  
Stark  
Stupak  
Sutton  
Tanner  
Taylor  
Teague  
Thompson (CA)

## NAYS—172

Aderholt  
Adler (NJ)  
Akin  
Austria  
Bachmann  
Bachus  
Bartlett  
Barton (TX)  
Biggert  
Bilbray  
Bilirakis  
Bishop (UT)  
Blackburn  
Blunt  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boustany  
Brady (TX)  
Bright  
Broun (GA)  
Brown (SC)  
Buchanan  
Burgess  
Calvert  
Camp  
Campbell  
Cantor  
Capito  
Carter  
Cassidy  
Castle  
Chaffetz  
Chandler  
Childers  
Coble  
Coffman (CO)  
Conaway  
Crenshaw  
Culberson  
Davis (KY)  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Djou  
Dreier  
Duncan  
Ehlers  
Emerson  
Flake  
Fleming  
Forbes  
Fortenberry  
Fox  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)

Gerlach  
Gingrey (GA)  
Gohmert  
Goodlatte  
Granger  
Graves (GA)  
Graves (MO)  
Griffith  
Guthrie  
Hall (TX)  
Harper  
Hastings (WA)  
Heller  
Hensarling  
Herger  
Hoekstra  
Hunter  
Inglis  
Issa  
Jenkins  
Johnson (IL)  
Johnson, Sam  
Jones  
Jordan (OH)  
King (IA)  
King (NY)  
Kingston  
Kline (MN)  
Kratovil  
Lamborn  
Lance  
Latham  
LaTourette  
Latta  
Lee (NY)  
Lewis (CA)  
Linder  
LoBiondo  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel E.  
Mack  
Manzullo  
McCarthy (CA)  
McCauley  
McClintock  
McCotter  
McHenry  
McKeon  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Moran (KS)  
Murphy, Tim  
Neugebauer

Nunes  
Nye  
Olson  
Paul  
Paulsen  
Pence  
Peters  
Petri  
Pitts  
Platts  
Poe (TX)  
Posey  
Price (GA)  
Putnam  
Reed  
Rehberg  
Reichert  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Royce  
Ryan (WI)  
Scalise  
Schmidt  
Schock  
Sensenbrenner  
Sessions  
Shadegg  
Shimkus  
Shuler  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Stearns  
Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Turner  
Upton  
Walden  
Wamp  
Westmoreland  
Wilson (SC)  
Wittman  
Wolf  
Young (AK)  
Young (FL)

## NOT VOTING—25

Alexander  
Barrett (SC)  
Brown-Waite, Ginny  
Burton (IN)  
Buyer  
Cao  
Davis (IL)  
DeFazio

Fallin  
Hastings (FL)  
Hirono  
Hodes  
Marchant  
McMorris  
Rodgers  
Melancon  
Minnick

Myrick  
Radanovich  
Schwartz  
Speier  
Tiahrt  
Tierney  
Waters  
Whitfield  
Wu

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1244

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

### CALLING FOR DIGNITY, COMFORT, AND SUPPORT FOR HOLOCAUST SURVIVORS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 323) supporting the goal of ensuring that all Holocaust survivors in the United States are able to live with dignity, comfort, and security in their remaining years, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. MCCARTHY) that the House suspend the rules and agree to the concurrent resolution.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 406, nays 0, not voting 27, as follows:

[Roll No. 590]

YEAS—406

Ackerman	Cao	Donnelly (IN)
Aderholt	Capito	Doyle
Adler (NJ)	Capps	Dreier
Akin	Capuano	Driehaus
Altmire	Cardoza	Duncan
Andrews	Carnahan	Edwards (MD)
Arcuri	Carney	Edwards (TX)
Austria	Carson (IN)	Ehlers
Baca	Carter	Ellison
Bachmann	Cassidy	Ellsworth
Bachus	Castle	Emerson
Baird	Castor (FL)	Engel
Baldwin	Chaffetz	Eshoo
Barrow	Chandler	Etheridge
Bartlett	Childers	Farr
Barton (TX)	Chu	Fattah
Bean	Clarke	Filner
Becerra	Clay	Flake
Berkley	Cleaver	Fleming
Berman	Clyburn	Forbes
Berry	Coble	Fortenberry
Biggert	Coffman (CO)	Foster
Bilbray	Cohen	Fox
Bilirakis	Cole	Frank (MA)
Bishop (GA)	Conaway	Franks (AZ)
Bishop (NY)	Connolly (VA)	Frelinghuysen
Bishop (UT)	Conyers	Fudge
Blackburn	Cooper	Gallely
Blumenauer	Costa	Garamendi
Blunt	Costello	Garrett (NJ)
Boccieri	Courtney	Gerlach
Boehner	Crenshaw	Giffords
Bonner	Critz	Gingrey (GA)
Bono Mack	Crowley	Gohmert
Boozman	Cuellar	Gonzalez
Boren	Culberson	Goodlatte
Boswell	Cummings	Granger
Boucher	Dahlkemper	Graves (GA)
Boustany	Davis (AL)	Graves (MO)
Boyd	Davis (CA)	Grayson
Brady (PA)	Davis (KY)	Green, Al
Brady (TX)	Davis (TN)	Green, Gene
Bright	DeGette	Griffith
Broun (GA)	DeLauro	Grijalva
Brown (SC)		Guthrie
Brown, Corrine		Gutierrez
Buchanan		Hall (TX)
Burgess		Halvorson
Butterfield		Hare
Calvert		Harper
Camp		Hastings (WA)
Campbell		Heinrich
Cantor		Heller

Hensarling	McClintock	Ryan (OH)
Herger	McCollum	Ryan (WI)
Herseeth Sandlin	McCotter	Salazar
Higgins	McDermott	Sánchez, Linda
Hill	McGovern	T.
Himes	McHenry	Sanchez, Loretta
Hinchee	McIntyre	Sarbanes
Hinojosa	McKeon	Scalise
Hirono	McMahon	Schakowsky
Hoekstra	McNerney	Schauer
Holden	Meek (FL)	Schiff
Honda	Meeks (NY)	Schmidt
Hoyer	Mica	Schock
Hunter	Michaud	Schrader
Inglis	Miller (FL)	Schwartz
Inslee	Miller (MI)	Scott (GA)
Israel	Miller (NC)	Scott (VA)
Issa	Miller, Gary	Sensenbrenner
Jackson (IL)	Miller, George	Serrano
Jackson Lee	Mitchell	Sessions
(TX)	Mollohan	Sestak
Jenkins	Moore (KS)	Shadegg
Johnson (GA)	Moore (WI)	Shea-Porter
Johnson (IL)	Moran (KS)	Sherman
Johnson, E. B.	Moran (VA)	Shimkus
Johnson, Sam	Murphy (NY)	Shuler
Jones	Murphy, Patrick	Shuster
Jordan (OH)	Murphy, Tim	Simpson
Kagen	Nadler (NY)	Sires
Kanjorski	Napolitano	Skelton
Kaptur	Neal (MA)	Slaughter
Kennedy	Neugebauer	Smith (NE)
Kildee	Nunes	Smith (NJ)
Kilpatrick (MI)	Nye	Smith (TX)
Kilroy	Oberstar	Smith (WA)
Kind	Obey	Snyder
King (IA)	Olson	Space
King (NY)	Olver	Spratt
Kingston	Ortiz	Stark
Kirkpatrick (AZ)	Owens	Stearns
Kissell	Pallone	Stupak
Klein (FL)	Pascarella	Stutzman
Kline (MN)	Pastor (AZ)	Sullivan
Kosmas	Paul	Sutton
Kratovil	Paulsen	Tanner
Kucinich	Payne	Taylor
Lamborn	Pence	Teague
Lance	Perlmutter	Terry
Langevin	Perriello	Thompson (CA)
Larsen (WA)	Peters	Thompson (MS)
Larson (CT)	Peterson	Thompson (PA)
Latham	Petri	Thornberry
LaTourette	Pingree (ME)	Tiahrt
Latta	Pitts	Tiberi
Lee (CA)	Platts	Titus
Lee (NY)	Poe (TX)	Tonko
Levin	Polis (CO)	Towns
Lewis (CA)	Pomeroy	Tsongas
Lewis (GA)	Posey	Turner
Linder	Price (GA)	Upton
Lipinski	Price (NC)	Van Hollen
LoBiondo	Putnam	Velázquez
Loeb sack	Quigley	Visclosky
Lofgren, Zoe	Rahall	Walden
Lowe y	Rangel	Walz
Lucas	Reed	Wamp
Luetkemeyer	Rehberg	Wasserman
Lujan	Reichert	Schultz
Lummis	Reyes	Watson
Lungren, Daniel	Richardson	Watt
E.	Rodriguez	Waxman
Lynch	Roe (TN)	Weiner
Mack	Rogers (AL)	Welch
Maffei	Rogers (MI)	Westmoreland
Maloney	Rohrabacher	Whitfield
Manzullo	Rooney	Wilson (OH)
Markey (CO)	Ros-Lehtinen	Wilson (SC)
Markey (MA)	Roskam	Wittman
Marshall	Ross	Wolf
Matheson	Rothman (NJ)	Woolsey
Matsui	Roysal-Allard	Yarmuth
McCarthy (CA)	Royce	Young (AK)
McCarthy (NY)	Ruppersberger	Young (FL)
McCauley	Rush	

NOT VOTING—27

Gordon (TN)	Minnick
Hall (NY)	Murphy (CT)
Harman	Myrick
Hastings (FL)	Radanovich
Hodes	Rogers (KY)
Holt	Speier
Marchant	Tierney
McMorris	Waters
Rodgers	Wu
Melancon	

□ 1251

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

### CONDEMNING NORTH KOREA FOR ATTACK AGAINST SOUTH KOREA

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1735) condemning North Korea in the strongest terms for its unprovoked military attack against South Korea on November 23, 2010.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Ms. DEGETTE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 403, noes 2, not voting 28, as follows:

[Roll No. 591]

AYES—403

Ackerman	Broun (GA)	Cuellar
Aderholt	Brown (SC)	Culberson
Adler (NJ)	Brown, Corrine	Cummings
Akin	Buchanan	Dahlkemper
Altmire	Burgess	Davis (AL)
Andrews	Butterfield	Davis (CA)
Arcuri	Calvert	Davis (KY)
Austria	Camp	Davis (TN)
Baca	Campbell	DeGette
Bachmann	Cantor	DeLauro
Bachus	Cao	Dent
Baird	Capito	Deutch
Baldwin	Capps	Diaz-Balart, M.
Barrow	Capuano	Dicks
Bartlett	Cardoza	Dingell
Barton (TX)	Carnahan	Djou
Bean	Carney	Doggett
Becerra	Carson (IN)	Donnelly (IN)
Berkley	Carter	Doyle
Berman	Cassidy	Dreier
Berry	Castle	Driehaus
Biggert	Castor (FL)	Duncan
Bilbray	Chaffetz	Edwards (MD)
Bilirakis	Chandler	Edwards (TX)
Bishop (GA)	Childers	Ehlers
Bishop (NY)	Chu	Ellison
Bishop (UT)	Clarke	Ellsworth
Blackburn	Clay	Emerson
Blumenauer	Cleaver	Engel
Blunt	Clyburn	Eshoo
Boccieri	Coble	Etheridge
Boehner	Coffman (CO)	Farr
Bonner	Cohen	Fattah
Bono Mack	Cole	Flake
Boozman	Conaway	Fleming
Boren	Connolly (VA)	Forbes
Boswell	Conyers	Fortenberry
Boucher	Cooper	Foster
Boustany	Costa	Fox
Boyd	Costello	Frank (MA)
Brady (PA)	Courtney	Franks (AZ)
Brady (TX)	Crenshaw	Frelinghuysen
Braley (IA)	Critz	
Bright	Crowley	

Fudge  
Gallegly  
Garamendi  
Garrett (NJ)  
Gerlach  
Giffords  
Gingrey (GA)  
Gohmert  
Gonzalez  
Goodlatte  
Graves (GA)  
Graves (MO)  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Grijalva  
Guthrie  
Gutierrez  
Hall (TX)  
Halvorson  
Hare  
Harper  
Hastings (WA)  
Heinrich  
Heller  
Hensarling  
Herger  
Herseth Sandlin  
Higgins  
Hill  
Himes  
Hincney  
Hinojosa  
Hirono  
Hoekstra  
Holden  
Holt  
Honda  
Hoyer  
Hunter  
Inglis  
Inslee  
Israel  
Issa  
Jackson (IL)  
Jackson Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan (OH)  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
King (IA)  
King (NY)  
Kingston  
Kirkpatrick (AZ)  
Kissell  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lamborn  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Linder  
Lipinski  
LoBiondo  
Loeb sack  
Lofgren, Zoe  
Lowey  
Lucas  
Luetkemeyer

Luján  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maffei  
Maloney  
Manzullo  
Markey (CO)  
Markey (MA)  
Marshall  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McMahon  
McNerney  
Meek (FL)  
Meeks (NY)  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (KS)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Nadler (NY)  
Napolitano  
Neugebauer  
Nunes  
Nye  
Oberstar  
Obey  
Olson  
Oliver  
Ortiz  
Owens  
Pallone  
Pascrell  
Pastor (AZ)  
Paulsen  
Payne  
Pence  
Perlmutter  
Perriello  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Polis (CO)  
Pomeroy  
Posey  
Price (GA)  
Price (NC)  
Putnam  
Quigley  
Rahall  
Reed  
Rehberg  
Reichert  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam

Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schauer  
Schiff  
Schmidt  
Schock  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions  
Sestak  
Shadegg  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Skelton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Space  
Spratt  
Stark  
Stearns  
Stupak  
Stutzman  
Sullivan  
Sutton  
Tanner  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Turner  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Walz  
Wamp  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Westmoreland  
Wilson (OH)  
Wilson (SC)  
Wittman  
Wolf  
Woolsey  
Yarmuth  
Young (AK)  
Young (FL)

Davis (IL)  
DeFazio  
Diaz-Balart, L.  
Fallin  
Gordon (TN)  
Granger  
Hall (NY)  
Harman

Hastings (FL)  
Hodes  
Klein (FL)  
Marchant  
McMorris  
Rodgers  
Melancon  
Minnick

Myrick  
Neal (MA)  
Radanovich  
Rangel  
Reyes  
Speier  
Whitfield  
Wu

Dent  
Deutch  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Djou  
Doggett  
Donnelly (IN)  
Doyle  
Dreier  
Driehaus  
Duncan  
Edwards (MD)  
Edwards (TX)  
Ehlers  
Ellison  
Ellsworth  
Emerson  
Engel  
Eshoo  
Etheridge  
Farr  
Fattah  
Filner  
Flake  
Fleming  
Forbes  
Fortenberry  
Foster  
Fox  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Galegally  
Garamendi  
Garrett (NJ)  
Gerlach  
Giffords  
Gingrey (GA)  
Gonzalez  
Goodlatte  
Granger  
Graves (GA)  
Graves (MO)  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Grijalva  
Guthrie  
Gutierrez  
Hall (TX)  
Halvorson  
Hare  
Harper  
Hastings (WA)  
Heinrich  
Heller  
Hensarling  
Herger  
Herseth Sandlin  
Higgins  
Hill  
Himes  
Hincney  
Hinojosa  
Hirono  
Holden  
Holt  
Honda  
Hoyer  
Hunter  
Inglis  
Inslee  
Israel  
Jackson (IL)  
Jackson Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan (OH)  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
King (IA)  
King (NY)  
Kingston  
Kirkpatrick (AZ)

Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lamborn  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Linder  
Lipinski  
LoBiondo  
Loeb sack  
Lofgren, Zoe  
Lowey  
Lucas  
Luetkemeyer

Platts  
Poe (TX)  
Polis (CO)  
Pomeroy  
Posey  
Price (GA)  
Price (NC)  
Putnam  
Quigley  
Rahall  
Reed  
Rehberg  
Reichert  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schauer  
Schiff  
Schmidt  
Schock  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions  
Sestak  
Shadegg  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Skelton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Space  
Spratt  
Stark  
Stearns  
Stupak  
Stutzman  
Sullivan  
Sutton  
Tanner  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Turner  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Walz  
Wamp  
Wasserman  
Schultz

□ 1259

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

### HONORING GOLF LEGEND JUAN ANTONIO “CHI CHI” RODRIGUEZ

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1430) honoring and saluting golf legend Juan Antonio “Chi Chi” Rodriguez for his commitment to Latino youth programs of the Congressional Hispanic Caucus Institute, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

#### RECORDED VOTE

Mr. CHAFFETZ. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 405, noes 2, not voting 26, as follows:

[Roll No. 592]

#### AYES—405

Ackerman  
Aderholt  
Adler (NJ)  
Akin  
Altmire  
Andrews  
Arcuri  
Austria  
Baca  
Bachmann  
Bachus  
Baird  
Baldwin  
Barrow  
Bartlett  
Barton (TX)  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Biggert  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blackburn  
Blumenauer  
Blunt  
Bocciari  
Boehner

Bonner  
Bono Mack  
Boozman  
Boren  
Boswell  
Boucher  
Boustany  
Boyd  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Bright  
Broun (GA)  
Brown (SC)  
Brown, Corrine  
Buchanan  
Burgess  
Butterfield  
Calvert  
Camp  
Campbell  
Cantor  
Cao  
Capito  
Capps  
Capuano  
Carnahan  
Carney  
Carson (IN)  
Carter  
Cassidy  
Castle

Castor (FL)  
Chandler  
Childers  
Chu  
Clarke  
Clay  
Cleaver  
Clyburn  
Coble  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Crenshaw  
Critz  
Crowley  
Cuellar  
Culberson  
Cummings  
Dahlkemper  
Davis (CA)  
Davis (KY)  
Davis (TN)  
DeGette  
DeLauro

Castor (FL)  
Chandler  
Childers  
Chu  
Clarke  
Clay  
Cleaver  
Clyburn  
Coble  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Crenshaw  
Critz  
Crowley  
Cuellar  
Culberson  
Cummings  
Dahlkemper  
Davis (CA)  
Davis (KY)  
Davis (TN)  
DeGette  
DeLauro

#### NOES—2

Kagen

Paul

#### NOT VOTING—28

Alexander  
Barrett (SC)

Brown-Waite,  
Ginny

Burton (IN)  
Buyer

Waters	Westmoreland	Woolsey
Watson	Whitfield	Yarmuth
Watt	Wilson (OH)	Young (AK)
Waxman	Wilson (SC)	Young (FL)
Weiner	Wittman	
Welch	Wolf	

## NOES—2

Chaffetz Issa

## NOT VOTING—26

Alexander	Fallin	McMorris
Barrett (SC)	Gohmert	Rodgers
Brown-Waite,	Gordon (TN)	Melancon
Ginny	Hall (NY)	Minnick
Burton (IN)	Harman	Myrick
Buyer	Hastings (FL)	Radanovich
Cardoza	Hodes	Rangel
Davis (AL)	Hoekstra	Speier
Davis (IL)	Marchant	Wu
DeFazio		

□ 1306

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. BURTON of Indiana. Madam Speaker, I was unable to be on the House Floor for rollcall votes 581, 582, 583, 584, 585, 586, 587, 589, 590, 591 and 592.

Had I been present I would have voted: "Yea" on rollcall vote 581; "yea" on rollcall vote 582; "nay" on rollcall vote 583; "nay" on rollcall vote 584; "yea" on rollcall vote 585; "yea" on rollcall vote 586; "nay" on rollcall vote 587; "nay" on rollcall vote 588; "nay" on rollcall vote 589; "yea" on rollcall vote 590; "yea" on rollcall vote 591; and "yea" on rollcall vote 592.

## PERSONAL EXPLANATION

Mr. HOLT. Mr. Speaker, on vote number 590 that was recently taken, I was detained in a hearing in the Intelligence Committee and did not vote on the adoption of H. Con. Res. 323, supporting the goal of ensuring that all Holocaust survivors in the United States are able to live with dignity, comfort, and security in their remaining years. As a cosponsor of that bill, I would have voted "yes" had I been present.

## FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2011

Mr. OBEY. Mr. Speaker, pursuant to the rule, I call up the joint resolution (H.J. Res. 101) making further continuing appropriations for fiscal year 2011, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

## H.J. RES. 101

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Continuing Appropriations Act, 2011 (Public Law 111-242) is amended by striking the date specified in section 106(3) and inserting "December 18, 2010".*

The SPEAKER pro tempore (Mr. LARSEN of Washington). Pursuant to House Resolution 1741, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

## GENERAL LEAVE

Mr. OBEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.J. Res. 101.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. OBEY. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, this legislation is one page long. It does only one thing: It changes the date so we can keep the government running from this Friday, December 3 to Saturday, December 18. Otherwise, the government would shut down. For the 2 weeks we are extending the current CR, it will provide us and the Senate time to consider the full year CR and the nominees that the administration should be sending us today.

I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, by any definition, this year's appropriations process has been a complete and utter failure. We are now 5 weeks past the beginning of the new fiscal year and Congress has yet to enact a single appropriations bill. Out of 12 total bills, two have passed the House, while 10 bills were never even considered by the full committee.

Even more astonishing, Mr. Speaker, is this fact: During all of 2010, the full appropriations committee met just once—in July—and that meeting occurred almost a full year since the last time the committee met—in July of 2009.

□ 1310

This record is all the more striking when you consider the fact that the House has spent week after week, month after month considering hundreds of insignificant bills, while ignoring the substantive work required of the Congress to pass a Federal budget.

Today, the House is considering a 2-week extension of the current continuing resolution. Chairman OBEY and the Democrat leadership are hoping that 2 weeks will be enough time to muster enough Democratic votes to pass a massive 12-bill package, loaded with earmarks, with a price tag exceeding \$1.1 trillion. If they succeed, House Democrats will pass an omnibus without a single Republican vote.

Democratic staff in the House and the Senate began negotiations on the omnibus spending bill after Members of Congress left Washington in October. Realizing that these negotiations excluded input from the elected Members

of Congress, and recognizing the likelihood that these negotiations would lead to yet another massive trillion-dollar government spending bill, I directed my staff not to engage in these negotiations. While Democratic staff was focused on additional ways to spend money, Republican staffers on the committee were working to identify spending cuts.

As I have made clear time and time again, I am strongly, unequivocally opposed to any potential omnibus spending bill the Democratic leadership may be planning to bring to the House floor before the end of the year. Likewise, I remain adamantly opposed to extending the CR for the balance of the fiscal year to current spending levels, which are, frankly, too darn high. I am encouraging my leadership and each of my colleagues who are concerned about excessive spending to oppose any effort to pass an omnibus or extend the CR beyond February.

Voters have made it abundantly clear that they want Congress to cut spending, starting today. There is no better place to begin this process than by returning to the U.S. Treasury unobligated funds from the American Recovery and Reinvestment Act, one of the most costly and ineffective bills in modern history. For this very reason, I introduced legislation on November 15 to immediately rescind billions of dollars of unspent stimulus funding and immediately applying those dollars to the deficit. I am hopeful that rescinding this funding will be among the first orders of business in the 112th Congress.

This commitment to cut spending will also consist of rescinding previously appropriated dollars passed under the current Democratic majority as well as dramatically scaling back funding proposed by the President in his final 2 years in office.

I believe we ought to extend the CR until February, allowing the House Republicans the opportunity to begin putting our Nation's fiscal house in order by completing the FY 11 appropriations bills at an FY 2008 level or below, and saving taxpayers at least \$100 billion. It would be the clearest signal the House could send to the American people that we got the message and take seriously their commitment to cutting spending.

Should the Democratic leadership muster the votes to pass an omnibus in its last-gasp effort to spend yet another trillion-plus dollars, every penny above and beyond the 2008 levels will be on the chopping block come January. Or put another way, if House Democrats use their last 4 weeks in power to spend another \$1.1 trillion, House Republicans will rescind every penny above and beyond the 2008 levels when the new Congress convenes.

Mr. Speaker, I believe we should have shut down the government, but I cannot and will not support this CR because it continues unsustainable levels of spending established last year. At a

time of historic deficits, record debt, and 10 percent unemployment, I believe we owe our constituents more than the status quo. Let's start cutting spending, Mr. Speaker, today. I urge a "no" vote.

Mr. Speaker, I am pleased to yield 3 minutes to my colleague from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. Today's CR is nothing but a continuation of the culture of overspending, persistence of a broken process, and a refusal to make the tough decisions, end earmarks, and do the job we were sent here to do. As a result, our Federal spending is off the charts. We are staring at another trillion-dollar budget deficit. Debts are stacking up over \$13 trillion. Unemployment continues to hover around 10 percent, and congressional approval by the public remains at an all-time and dangerous low.

For the past 2 years, the administration has been given a free hand, with an unlimited credit card. The results are mind-boggling: 27 percent in growth in nondefense discretionary spending since 2008. And that's not including the bailouts and a failed stimulus package. Meanwhile, the Appropriations Committee has not done its job. No checks, no balances, no discipline, no bills.

What do we have to show for our work this year on the committee and in the Congress? A 2-week extension of more of the same. A date change is the sum total of the work of the Appropriations Committee. Disappointing to say the least. I believe we can do much better by severely cutting spending, conducting rigorous and thoughtful oversight, changing the culture of appropriations, and performing outreach inside and outside the Congress.

Fortunately, I believe wholesale change is on the way, Mr. Speaker. We have got to cut discretionary spending and exert fiscal discipline on fat agencies. We have got to stop the administration's regulatory war on small businesses and working families and rein in the out-of-control bureaucracies like the EPA. And we have got to start listening to the American people and their views rather than building these bills in the Speaker's office behind closed doors. Let's let the light shine in and open up some closets around that stale office.

Mr. Speaker, I urge the House to reject this 2-week delay, cut spending, return to regular order, and conduct our business out in the open.

Mr. LEWIS of California. Mr. Speaker, I yield back the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I made a mistake here today. I assumed that because the election was over that we would have at least a temporary suspension of election-year rhetoric. But evidently I was wrong. It's not the first time, but nonetheless I had hoped it would be otherwise today.

Let me simply say that I will take a lot of lectures from a lot of people on

a lot of subjects, because I have made more than my share of mistakes in the years that I have served in this place. But the one thing that I will not take is lectures from the other side about fiscal responsibility. I mean, these are the folks who managed to turn \$6 trillion in expected surpluses when Bill Clinton left office into a \$1 trillion deficit. These are the same folks who insisted on passing two tax cuts primarily targeted at the wealthiest people in this country, all paid for with borrowed money.

□ 1320

These are the same folks that have insisted that we fight two wars on borrowed money rather than paying the bills. And these are the same folks who attacked President Obama for the so-called bailouts when, in fact, the mother of all bailouts, TARP, was brought to this Congress by the previous Republican administration.

While I don't like the way they implemented that bailout, I happen to think that that administration did what was necessary under the circumstances, circumstances created in large part by previous policies that were pursued by the folks running Washington, D.C. I don't want to go any further than that. I didn't intend to get into the political side of the debate, but neither am I going to sit by and have these comments go unanswered.

With that, I would simply say this, again, is a very simple proposition. It extends the budget for 2 weeks at existing levels so that the Congress can make an attempt to finish its work so that we do not do what was done to us 4 years ago, because when we took over 4 years ago, we had to clean up all of the last year's fiscal mess before we could turn to next year's problems.

I would think that it is worth trying to finish action on our budget this year so that our friends, as they assume majority status in January, can start with a clean slate and be looking forward rather than backwards, and this resolution is an attempt to facilitate that. I urge passage of it.

I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1741, the joint resolution is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LEWIS of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further pro-

ceedings on this question will be postponed.

## HEALTHY, HUNGER-FREE KIDS ACT OF 2010

Mr. GEORGE MILLER of California. Mr. Speaker, pursuant to House Resolution 1742, I call up the bill (S. 3307) to reauthorize child nutrition programs, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3307

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Healthy, Hunger-Free Kids Act of 2010".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definition of Secretary.

### TITLE I—A PATH TO END CHILDHOOD HUNGER

Subtitle A—National School Lunch Program

Sec. 101. Improving direct certification.

Sec. 102. Categorical eligibility of foster children.

Sec. 103. Direct certification for children receiving Medicaid benefits.

Sec. 104. Eliminating individual applications through community eligibility.

Sec. 105. Grants for expansion of school breakfast programs.

Subtitle B—Summer Food Service Program

Sec. 111. Alignment of eligibility rules for public and private sponsors.

Sec. 112. Outreach to eligible families.

Sec. 113. Summer food service support grants.

### Subtitle C—Child and Adult Care Food Program

Sec. 121. Simplifying area eligibility determinations in the child and adult care food program.

Sec. 122. Expansion of afterschool meals for at-risk children.

Subtitle D—Special Supplemental Nutrition Program for Women, Infants, and Children

Sec. 131. Certification periods.

### Subtitle E—Miscellaneous

Sec. 141. Childhood hunger research.

Sec. 142. State childhood hunger challenge grants.

Sec. 143. Review of local policies on meal charges and provision of alternate meals.

### TITLE II—REDUCING CHILDHOOD OBE- SITY AND IMPROVING THE DIETS OF CHILDREN

Subtitle A—National School Lunch Program

Sec. 201. Performance-based reimbursement rate increases for new meal patterns.

Sec. 202. Nutrition requirements for fluid milk.

Sec. 203. Water.

Sec. 204. Local school wellness policy implementation.

Sec. 205. Equity in school lunch pricing.

Sec. 206. Revenue from nonprogram foods sold in schools.

Sec. 207. Reporting and notification of school performance.

Sec. 208. Nutrition standards for all foods sold in school.

Sec. 209. Information for the public on the school nutrition environment.

Sec. 210. Organic food pilot program.

Subtitle B—Child and Adult Care Food Program

- Sec. 221. Nutrition and wellness goals for meals served through the child and adult care food program.
- Sec. 222. Interagency coordination to promote health and wellness in child care licensing.
- Sec. 223. Study on nutrition and wellness quality of child care settings.

Subtitle C—Special Supplemental Nutrition Program for Women, Infants, and Children

- Sec. 231. Support for breastfeeding in the WIC Program.
- Sec. 232. Review of available supplemental foods.

Subtitle D—Miscellaneous

- Sec. 241. Nutrition education and obesity prevention grant program.
- Sec. 242. Procurement and processing of food service products and commodities.
- Sec. 243. Access to Local Foods: Farm to School Program.
- Sec. 244. Research on strategies to promote the selection and consumption of healthy foods.

**TITLE III—IMPROVING THE MANAGEMENT AND INTEGRITY OF CHILD NUTRITION PROGRAMS**

Subtitle A—National School Lunch Program

- Sec. 301. Privacy protection.
- Sec. 302. Applicability of food safety program on entire school campus.
- Sec. 303. Fines for violating program requirements.
- Sec. 304. Independent review of applications.
- Sec. 305. Program evaluation.
- Sec. 306. Professional standards for school food service.
- Sec. 307. Indirect costs.
- Sec. 308. Ensuring safety of school meals.

Subtitle B—Summer Food Service Program

- Sec. 321. Summer food service program permanent operating agreements.
- Sec. 322. Summer food service program disqualification.

Subtitle C—Child and Adult Care Food Program

- Sec. 331. Renewal of application materials and permanent operating agreements.
- Sec. 332. State liability for payments to aggrieved child care institutions.
- Sec. 333. Transmission of income information by sponsored family or group day care homes.
- Sec. 334. Simplifying and enhancing administrative payments to sponsoring organizations.
- Sec. 335. Child and adult care food program audit funding.
- Sec. 336. Reducing paperwork and improving program administration.
- Sec. 337. Study relating to the child and adult care food program.

Subtitle D—Special Supplemental Nutrition Program for Women, Infants, and Children

- Sec. 351. Sharing of materials with other programs.

- Sec. 352. WIC program management.

Subtitle E—Miscellaneous

- Sec. 361. Full use of Federal funds.
- Sec. 362. Disqualified schools, institutions, and individuals.

**TITLE IV—MISCELLANEOUS**

Subtitle A—Reauthorization of Expiring Provisions

**PART I—RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT**

- Sec. 401. Commodity support.
- Sec. 402. Food safety audits and reports by States.

- Sec. 403. Procurement training.

- Sec. 404. Authorization of the summer food service program for children.

- Sec. 405. Year-round services for eligible entities.

- Sec. 406. Training, technical assistance, and food service management institute.

- Sec. 407. Federal administrative support.

- Sec. 408. Compliance and accountability.

- Sec. 409. Information clearinghouse.

**PART II—CHILD NUTRITION ACT OF 1966**

- Sec. 421. Technology infrastructure improvement.

- Sec. 422. State administrative expenses.

- Sec. 423. Special supplemental nutrition program for women, infants, and children.

- Sec. 424. Farmers market nutrition program.

Subtitle B—Technical Amendments

- Sec. 441. Technical amendments.

- Sec. 442. Use of unspent future funds from the American Recovery and Reinvestment Act of 2009.

- Sec. 443. Equipment assistance technical correction.

- Sec. 444. Budgetary effects.

- Sec. 445. Effective date.

**SEC. 2. DEFINITION OF SECRETARY.**

In this Act, the term “Secretary” means the Secretary of Agriculture.

**TITLE I—A PATH TO END CHILDHOOD HUNGER**

**Subtitle A—National School Lunch Program**

**SEC. 101. IMPROVING DIRECT CERTIFICATION.**

(a) PERFORMANCE AWARDS.—Section 9(b)(4) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(4)) is amended—

(1) in the paragraph heading, by striking “FOOD STAMP” and inserting “SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM”; and

(2) by adding at the end the following:

“(E) PERFORMANCE AWARDS.—

“(i) IN GENERAL.—Effective for each of the school years beginning July 1, 2011, July 1, 2012, and July 1, 2013, the Secretary shall offer performance awards to States to encourage the States to ensure that all children eligible for direct certification under this paragraph are certified in accordance with this paragraph.

“(ii) REQUIREMENTS.—For each school year described in clause (i), the Secretary shall—

“(I) consider State data from the prior school year, including estimates contained in the report required under section 4301 of the Food, Conservation, and Energy Act of 2008 (42 U.S.C. 1758a); and

“(II) make performance awards to not more than 15 States that demonstrate, as determined by the Secretary—

“(aa) outstanding performance; and

“(bb) substantial improvement.

“(iii) USE OF FUNDS.—A State agency that receives a performance award under clause (i)—

“(I) shall treat the funds as program income; and

“(II) may transfer the funds to school food authorities for use in carrying out the program.

“(iv) FUNDING.—

“(I) IN GENERAL.—On October 1, 2011, and each subsequent October 1 through October 1, 2013, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary—

“(aa) \$2,000,000 to carry out clause (ii)(I)(aa); and

“(bb) \$2,000,000 to carry out clause (ii)(I)(bb).

“(II) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this clause the funds transferred under subclause (I), without further appropriation.

“(v) PAYMENTS NOT SUBJECT TO JUDICIAL REVIEW.—A determination by the Secretary whether, and in what amount, to make a performance award under this subparagraph shall not be subject to administrative or judicial review.”.

(b) CONTINUOUS IMPROVEMENT PLANS.—Section 9(b)(4) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(4)) (as amended by subsection (a)) is amended by adding at the end the following:

“(F) CONTINUOUS IMPROVEMENT PLANS.—

“(i) DEFINITION OF REQUIRED PERCENTAGE.—In this subparagraph, the term ‘required percentage’ means—

“(I) for the school year beginning July 1, 2011, 80 percent;

“(II) for the school year beginning July 1, 2012, 90 percent; and

“(III) for the school year beginning July 1, 2013, and each school year thereafter, 95 percent.

“(ii) REQUIREMENTS.—Each school year, the Secretary shall—

“(I) identify, using data from the prior year, including estimates contained in the report required under section 4301 of the Food, Conservation, and Energy Act of 2008 (42 U.S.C. 1758a), States that directly certify less than the required percentage of the total number of children in the State who are eligible for direct certification under this paragraph;

“(II) require the States identified under subclause (I) to implement a continuous improvement plan to fully meet the requirements of this paragraph, which shall include a plan to improve direct certification for the following school year; and

“(III) assist the States identified under subclause (I) to develop and implement a continuous improvement plan in accordance with subclause (II).

“(iii) FAILURE TO MEET PERFORMANCE STANDARD.—

“(I) IN GENERAL.—A State that is required to develop and implement a continuous improvement plan under clause (ii)(II) shall be required to submit the continuous improvement plan to the Secretary, for the approval of the Secretary.

“(II) REQUIREMENTS.—At a minimum, a continuous improvement plan under subclause (I) shall include—

“(aa) specific measures that the State will use to identify more children who are eligible for direct certification, including improvements or modifications to technology, information systems, or databases;

“(bb) a timeline for the State to implement those measures; and

“(cc) goals for the State to improve direct certification results.”.

(c) WITHOUT FURTHER APPLICATION.—Section 9(b)(4) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(4)) (as amended by subsection (b)) is amended by adding at the end the following:

“(G) WITHOUT FURTHER APPLICATION.—

“(i) IN GENERAL.—In this paragraph, the term ‘without further application’ means that no action is required by the household of the child.

“(ii) CLARIFICATION.—A requirement that a household return a letter notifying the household of eligibility for direct certification or eligibility for free school meals does not meet the requirements of clause (i).”.

**SEC. 102. CATEGORICAL ELIGIBILITY OF FOSTER CHILDREN.**

(a) DISCRETIONARY CERTIFICATION.—Section 9(b)(5) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(5)) is amended—

(1) in subparagraph (C), by striking “or” at the end;

(2) in subparagraph (D), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(E)(i) a foster child whose care and placement is the responsibility of an agency that administers a State plan under part B or E of title IV of the Social Security Act (42 U.S.C. 621 et seq.); or

“(ii) a foster child who a court has placed with a caretaker household.”

(b) CATEGORICAL ELIGIBILITY.—Section 9(b)(12)(A) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(12)(A)) is amended—

(1) in clause (iv), by adding “)” before the semicolon at the end;

(2) in clause (v), by striking “or” at the end;

(3) in clause (vi), by striking the period at the end and inserting “; or”; and

(4) by adding at the end the following:

“(vii)(I) a foster child whose care and placement is the responsibility of an agency that administers a State plan under part B or E of title IV of the Social Security Act (42 U.S.C. 621 et seq.); or

“(II) a foster child who a court has placed with a caretaker household.”

(c) DOCUMENTATION.—Section 9(d)(2) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(d)(2)) is amended—

(1) in subparagraph (D), by striking “or” at the end;

(2) in subparagraph (E), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(F)(i) documentation has been provided to the appropriate local educational agency showing the status of the child as a foster child whose care and placement is the responsibility of an agency that administers a State plan under part B or E of title IV of the Social Security Act (42 U.S.C. 621 et seq.); or

“(ii) documentation has been provided to the appropriate local educational agency showing the status of the child as a foster child who a court has placed with a caretaker household.”

#### SEC. 103. DIRECT CERTIFICATION FOR CHILDREN RECEIVING MEDICAID BENEFITS.

(a) IN GENERAL.—Section 9(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)) is amended by adding at the end the following:

“(15) DIRECT CERTIFICATION FOR CHILDREN RECEIVING MEDICAID BENEFITS.—

“(A) DEFINITIONS.—In this paragraph:

“(i) ELIGIBLE CHILD.—The term ‘eligible child’ means a child—

“(I)(aa) who is eligible for and receiving medical assistance under the Medicaid program; and

“(bb) who is a member of a family with an income as measured by the Medicaid program before the application of any expense, block, or other income disregard, that does not exceed 133 percent of the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2), including any revision required by such section)) applicable to a family of the size used for purposes of determining eligibility for the Medicaid program; or

“(II) who is a member of a household (as that term is defined in section 245.2 of title 7, Code of Federal Regulations (or successor regulations) with a child described in subclause (I).

“(ii) MEDICAID PROGRAM.—The term ‘Medicaid program’ means the program of medical assistance established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

“(B) DEMONSTRATION PROJECT.—

“(i) IN GENERAL.—The Secretary, acting through the Administrator of the Food and Nutrition Service and in cooperation with

selected State agencies, shall conduct a demonstration project in selected local educational agencies to determine whether direct certification of eligible children is an effective method of certifying children for free lunches and breakfasts under section 9(b)(1)(A) of this Act and section 4(e)(1)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(e)(1)(A)).

“(ii) SCOPE OF PROJECT.—The Secretary shall carry out the demonstration project under this subparagraph—

“(I) for the school year beginning July 1, 2012, in selected local educational agencies that collectively serve 2.5 percent of students certified for free and reduced price meals nationwide, based on the most recent available data;

“(II) for the school year beginning July 1, 2013, in selected local educational agencies that collectively serve 5 percent of students certified for free and reduced price meals nationwide, based on the most recent available data; and

“(III) for the school year beginning July 1, 2014, and each subsequent school year, in selected local educational agencies that collectively serve 10 percent of students certified for free and reduced price meals nationwide, based on the most recent available data.

“(iii) PURPOSES OF THE PROJECT.—At a minimum, the purposes of the demonstration project shall be—

“(I) to determine the potential of direct certification with the Medicaid program to reach children who are eligible for free meals but not certified to receive the meals;

“(II) to determine the potential of direct certification with the Medicaid program to directly certify children who are enrolled for free meals based on a household application; and

“(III) to provide an estimate of the effect on Federal costs and on participation in the school lunch program under this Act and the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) of direct certification with the Medicaid program.

“(iv) COST ESTIMATE.—For each of 2 school years of the demonstration project, the Secretary shall estimate the cost of the direct certification of eligible children for free school meals through data derived from—

“(I) the school meal programs authorized under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.); and

“(II) the Medicaid program; and

“(III) interviews with a statistically representative sample of households.

“(C) AGREEMENT.—

“(i) IN GENERAL.—Not later than July 1 of the first school year during which a State agency will participate in the demonstration project, the State agency shall enter into an agreement with the 1 or more State agencies conducting eligibility determinations for the Medicaid program.

“(ii) WITHOUT FURTHER APPLICATION.—Subject to paragraph (6), the agreement described in subparagraph (D) shall establish procedures under which an eligible child shall be certified for free lunches under this Act and free breakfasts under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), without further application (as defined in paragraph (4)(G)).

“(D) CERTIFICATION.—For the school year beginning on July 1, 2012, and each subsequent school year, subject to paragraph (6), the local educational agencies participating in the demonstration project shall certify an eligible child as eligible for free lunches under this Act and free breakfasts under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), without further application (as defined in paragraph (4)(G)).

“(E) SITE SELECTION.—

“(i) IN GENERAL.—To be eligible to participate in the demonstration project under this subsection, a State agency shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

“(ii) CONSIDERATIONS.—In selecting States and local educational agencies for participation in the demonstration project, the Secretary may take into consideration such factors as the Secretary considers to be appropriate, which may include—

“(I) the rate of direct certification;

“(II) the share of individuals who are eligible for benefits under the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) who participate in the program, as determined by the Secretary;

“(III) the income eligibility limit for the Medicaid program;

“(IV) the feasibility of matching data between local educational agencies and the Medicaid program;

“(V) the socioeconomic profile of the State or local educational agencies; and

“(VI) the willingness of the State and local educational agencies to comply with the requirements of the demonstration project.

“(F) ACCESS TO DATA.—For purposes of conducting the demonstration project under this paragraph, the Secretary shall have access to—

“(i) educational and other records of State and local educational and other agencies and institutions receiving funding or providing benefits for 1 or more programs authorized under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.); and

“(ii) income and program participation information from public agencies administering the Medicaid program.

“(G) REPORT TO CONGRESS.—

“(i) IN GENERAL.—Not later than October 1, 2014, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, an interim report that describes the results of the demonstration project required under this paragraph.

“(ii) FINAL REPORT.—Not later than October 1, 2015, the Secretary shall submit a final report to the committees described in clause (i).

“(H) FUNDING.—

“(i) IN GENERAL.—On October 1, 2010, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out subparagraph (G) \$5,000,000, to remain available until expended.

“(ii) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out subparagraph (G) the funds transferred under clause (i), without further appropriation.”

(b) DOCUMENTATION.—Section 9(d)(2) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(d)(2)) (as amended by section 102(c)) is amended—

(1) in subparagraph (E), by striking “or” at the end;

(2) in subparagraph (F)(ii), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(G) documentation has been provided to the appropriate local educational agency showing the status of the child as an eligible child (as defined in subsection (b)(15)(A)).”

(c) AGREEMENT FOR DIRECT CERTIFICATION AND COOPERATION BY STATE MEDICAID AGENCIES.—

(1) IN GENERAL.—Section 1902(a)(7) of the Social Security Act (42 U.S.C. 1396a(a)(7)) is amended to read as follows:

“(7) provide—



“(A) safeguards which restrict the use or disclosure of information concerning applicants and recipients to purposes directly connected with—

“(i) the administration of the plan; and

“(ii) the exchange of information necessary to certify or verify the certification of eligibility of children for free or reduced price breakfasts under the Child Nutrition Act of 1966 and free or reduced price lunches under the Richard B. Russell National School Lunch Act, in accordance with section 9(b) of that Act, using data standards and formats established by the State agency; and

“(B) that, notwithstanding the Express Lane option under subsection (e)(13), the State may enter into an agreement with the State agency administering the school lunch program established under the Richard B. Russell National School Lunch Act under which the State shall establish procedures to ensure that—

“(i) a child receiving medical assistance under the State plan under this title whose family income does not exceed 133 percent of the poverty line (as defined in section 673(2) of the Community Services Block Grant Act, including any revision required by such section), as determined without regard to any expense, block, or other income disregard, applicable to a family of the size involved, may be certified as eligible for free lunches under the Richard B. Russell National School Lunch Act and free breakfasts under the Child Nutrition Act of 1966 without further application; and

“(ii) the State agencies responsible for administering the State plan under this title, and for carrying out the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) or the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), cooperate in carrying out paragraphs (3)(F) and (15) of section 9(b) of that Act;”.

(2) EFFECTIVE DATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this subsection shall take effect on the date of enactment of this Act.

(B) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by this section, the State plan shall not be regarded as failing to comply with the requirements of the amendments made by this section solely on the basis of its failure to meet such additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session is considered to be a separate regular session of the State legislature.

(d) CONFORMING AMENDMENTS.—Section 444(b)(1) of the General Education Provisions Act (20 U.S.C. 1232g(b)(1)) is amended—

(1) in subparagraph (I), by striking “and” at the end;

(2) in subparagraph (J)(ii), by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(K) the Secretary of Agriculture, or authorized representative from the Food and Nutrition Service or contractors acting on behalf of the Food and Nutrition Service, for the purposes of conducting program monitoring, evaluations, and performance meas-

urements of State and local educational and other agencies and institutions receiving funding or providing benefits of 1 or more programs authorized under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) for which the results will be reported in an aggregate form that does not identify any individual, on the conditions that—

“(i) any data collected under this subparagraph shall be protected in a manner that will not permit the personal identification of students and their parents by other than the authorized representatives of the Secretary; and

“(ii) any personally identifiable data shall be destroyed when the data are no longer needed for program monitoring, evaluations, and performance measurements.”.

#### SEC. 104. ELIMINATING INDIVIDUAL APPLICATIONS THROUGH COMMUNITY ELIGIBILITY.

(a) UNIVERSAL MEAL SERVICE IN HIGH POVERTY AREAS.—

(1) ELIGIBILITY.—Section 11(a)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(1)) is amended by adding at the end the following:

“(F) UNIVERSAL MEAL SERVICE IN HIGH POVERTY AREAS.—

“(i) DEFINITION OF IDENTIFIED STUDENTS.—The term ‘identified students’ means students certified based on documentation of benefit receipt or categorical eligibility as described in section 245.6a(c)(2) of title 7, Code of Federal Regulations (or successor regulations).

“(ii) ELECTION OF SPECIAL ASSISTANCE PAYMENTS.—

“(I) IN GENERAL.—A local educational agency may, for all schools in the district or on behalf of certain schools in the district, elect to receive special assistance payments under this subparagraph in lieu of special assistance payments otherwise made available under this paragraph based on applications for free and reduced price lunches if—

“(aa) during a period of 4 successive school years, the local educational agency elects to serve all children in the applicable schools free lunches and breakfasts under the school lunch program under this Act and the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773);

“(bb) the local educational agency pays, from sources other than Federal funds, the costs of serving the lunches or breakfasts that are in excess of the value of assistance received under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

“(cc) the local educational agency is not a residential child care institution (as that term is used in section 210.2 of title 7, Code of Federal Regulations (or successor regulations)); and

“(dd) during the school year prior to the first year of the period for which the local educational agency elects to receive special assistance payments under this subparagraph, the local educational agency or school had a percentage of enrolled students who were identified students that meets or exceeds the threshold described in clause (viii).

“(II) ELECTION TO STOP RECEIVING PAYMENTS.—A local educational agency may, for all schools in the district or on behalf of certain schools in the district, elect to stop receiving special assistance payments under this subparagraph for the following school year by notifying the State agency not later than June 30 of the current school year of the intention to stop receiving special assistance payments under this subparagraph.

“(iii) FIRST YEAR OF OPTION.—

“(I) SPECIAL ASSISTANCE PAYMENT.—For each month of the first school year of the 4-

year period during which a school or local educational agency elects to receive payments under this subparagraph, special assistance payments at the rate for free meals shall be made under this subparagraph for a percentage of all reimbursable meals served in an amount equal to the product obtained by multiplying—

“(aa) the multiplier described in clause (vii); by

“(bb) the percentage of identified students at the school or local educational agency as of April 1 of the prior school year, up to a maximum of 100 percent.

“(II) PAYMENT FOR OTHER MEALS.—The percentage of meals served that is not described in subclause (I) shall be reimbursed at the rate provided under section 4.

“(iv) SECOND, THIRD, OR FOURTH YEAR OF OPTION.—

“(I) SPECIAL ASSISTANCE PAYMENT.—For each month of the second, third, or fourth school year of the 4-year period during which a school or local educational agency elects to receive payments under this subparagraph, special assistance payments at the rate for free meals shall be made under this subparagraph for a percentage of all reimbursable meals served in an amount equal to the product obtained by multiplying—

“(aa) the multiplier described in clause (vii); by

“(bb) the higher of the percentage of identified students at the school or local educational agency as of April 1 of the prior school year or the percentage of identified students at the school or local educational agency as of April 1 of the school year prior to the first year that the school or local educational agency elected to receive special assistance payments under this subparagraph, up to a maximum of 100 percent.

“(II) PAYMENT FOR OTHER MEALS.—The percentage of meals served that is not described in subclause (I) shall be reimbursed at the rate provided under section 4.

“(v) GRACE YEAR.—

“(I) IN GENERAL.—If, not later than April 1 of the fourth year of a 4-year period described in clause (ii)(I), a school or local educational agency has a percentage of enrolled students who are identified students that meets or exceeds a percentage that is 10 percentage points lower than the threshold described in clause (viii), the school or local educational agency may elect to receive special assistance payments under subclause (II) for an additional grace year.

“(II) SPECIAL ASSISTANCE PAYMENT.—For each month of a grace year, special assistance payments at the rate for free meals shall be made under this subparagraph for a percentage of all reimbursable meals served in an amount equal to the product obtained by multiplying—

“(aa) the multiplier described in clause (vii); by

“(bb) the percentage of identified students at the school or local educational agency as of April 1 of the prior school year, up to a maximum of 100 percent.

“(III) PAYMENT FOR OTHER MEALS.—The percentage of meals served that is not described in subclause (II) shall be reimbursed at the rate provided under section 4.

“(vi) APPLICATIONS.—A school or local educational agency that receives special assistance payments under this subparagraph may not be required to collect applications for free and reduced price lunches.

“(vii) MULTIPLIER.—

“(I) PHASE-IN.—For each school year beginning on or before July 1, 2013, the multiplier shall be 1.6.

“(II) FULL IMPLEMENTATION.—For each school year beginning on or after July 1, 2014, the Secretary may use, as determined by the Secretary—

“(aa) a multiplier between 1.3 and 1.6; and  
 “(bb) subject to item (aa), a different multiplier for different schools or local educational agencies.

“(viii) THRESHOLD.—

“(I) PHASE-IN.—For each school year beginning on or before July 1, 2013, the threshold shall be 40 percent.

“(II) FULL IMPLEMENTATION.—For each school year beginning on or after July 1, 2014, the Secretary may use a threshold that is less than 40 percent.

“(ix) PHASE-IN.—

“(I) IN GENERAL.—In selecting States for participation during the phase-in period, the Secretary shall select States with an adequate number and variety of schools and local educational agencies that could benefit from the option under this subparagraph, as determined by the Secretary.

“(II) LIMITATION.—The Secretary may not approve additional schools and local educational agencies to receive special assistance payments under this subparagraph after the Secretary has approved schools and local educational agencies in—

“(aa) for the school year beginning on July 1, 2011, 3 States; and

“(bb) for each of the school years beginning July 1, 2012 and July 1, 2013, an additional 4 States per school year.

“(x) ELECTION OF OPTION.—

“(I) IN GENERAL.—For each school year beginning on or after July 1, 2014, any local educational agency eligible to make the election described in clause (ii) for all schools in the district or on behalf of certain schools in the district may elect to receive special assistance payments under clause (iii) for the next school year if, not later than June 30 of the current school year, the local educational agency submits to the State agency the percentage of identified students at the school or local educational agency.

“(II) STATE AGENCY NOTIFICATION.—Not later than May 1 of each school year beginning on or after July 1, 2011, each State agency with schools or local educational agencies that may be eligible to elect to receive special assistance payments under this subparagraph shall notify—

“(aa) each local educational agency that meets or exceeds the threshold described in clause (viii) that the local educational agency is eligible to elect to receive special assistance payments under clause (iii) for the next 4 school years, of the blended reimbursement rate the local educational agency would receive under clause (iii), and of the procedures for the local educational agency to make the election;

“(bb) each local educational agency that receives special assistance payments under clause (iii) of the blended reimbursement rate the local educational agency would receive under clause (iv);

“(cc) each local educational agency in the fourth year of electing to receive special assistance payments under this subparagraph that meets or exceeds a percentage that is 10 percentage points lower than the threshold described in clause (viii) and that receives special assistance payments under clause (iv), that the local educational agency may continue to receive such payments for the next school year, of the blended reimbursement rate the local educational agency would receive under clause (v), and of the procedures for the local educational agency to make the election; and

“(dd) each local educational agency that meets or exceeds a percentage that is 10 percentage points lower than the threshold described in clause (viii) that the local educational agency may be eligible to elect to receive special assistance payments under clause (iii) if the threshold described in

clause (viii) is met by April 1 of the school year or if the threshold is met for a subsequent school year.

“(III) PUBLIC NOTIFICATION OF LOCAL EDUCATIONAL AGENCIES.—Not later than May 1 of each school year beginning on or after July 1, 2011, each State agency with 1 or more schools or local educational agencies eligible to elect to receive special assistance payments under clause (iii) shall submit to the Secretary, and the Secretary shall publish, lists of the local educational agencies receiving notices under subclause (II).

“(IV) PUBLIC NOTIFICATION OF SCHOOLS.—Not later than May 1 of each school year beginning on or after July 1, 2011, each local educational agency in a State with 1 or more schools eligible to elect to receive special assistance payments under clause (iii) shall submit to the State agency, and the State agency shall publish—

“(aa) a list of the schools that meet or exceed the threshold described in clause (viii);

“(bb) a list of the schools that meet or exceed a percentage that is 10 percentage points lower than the threshold described in clause (viii) and that are in the fourth year of receiving special assistance payments under clause (iv); and

“(cc) a list of the schools that meet or exceed a percentage that is 10 percentage points lower than the threshold described in clause (viii).

“(xi) IMPLEMENTATION.—

“(I) GUIDANCE.—Not later than 90 days after the date of enactment of this subparagraph, the Secretary shall issue guidance to implement this subparagraph.

“(II) REGULATIONS.—Not later than December 31, 2013, the Secretary shall promulgate regulations that establish procedures for State agencies, local educational agencies, and schools to meet the requirements of this subparagraph, including exercising the option described in this subparagraph.

“(III) PUBLICATION.—If the Secretary uses the authority provided in clause (vii)(II)(bb) to use a different multiplier for different schools or local educational agencies, for each school year beginning on or after July 1, 2014, not later than April 1, 2014, the Secretary shall publish on the website of the Secretary a table that indicates—

“(aa) each local educational agency that may elect to receive special assistance payments under clause (ii);

“(bb) the blended reimbursement rate that each local educational agency would receive; and

“(cc) an explanation of the methodology used to calculate the multiplier or threshold for each school or local educational agency.

“(xii) REPORT.—Not later than December 31, 2013, the Secretary shall publish a report that describes—

“(I) an estimate of the number of schools and local educational agencies eligible to elect to receive special assistance payments under this subparagraph that do not elect to receive the payments;

“(II) for schools and local educational agencies described in subclause (I)—

“(aa) barriers to participation in the special assistance option under this subparagraph, as described by the nonparticipating schools and local educational agencies; and

“(bb) changes to the special assistance option under this subparagraph that would make eligible schools and local educational agencies more likely to elect to receive special assistance payments;

“(III) for schools and local educational agencies that elect to receive special assistance payments under this subparagraph—

“(aa) the number of schools and local educational agencies;

“(bb) an estimate of the percentage of identified students and the percentage of en-

rolled students who were certified to receive free or reduced price meals in the school year prior to the election to receive special assistance payments under this subparagraph, and a description of how the ratio between those percentages compares to 1.6;

“(cc) an estimate of the number and share of schools and local educational agencies in which more than 80 percent of students are certified for free or reduced price meals that elect to receive special assistance payments under that clause; and

“(dd) whether any of the schools or local educational agencies stopped electing to receive special assistance payments under this subparagraph;

“(IV) the impact of electing to receive special assistance payments under this subparagraph on—

“(aa) program integrity;

“(bb) whether a breakfast program is offered;

“(cc) the type of breakfast program offered;

“(dd) the nutritional quality of school meals; and

“(ee) program participation; and

“(V) the multiplier and threshold, as described in clauses (vii) and (viii) respectively, that the Secretary will use for each school year beginning on or after July 1, 2014 and the rationale for any change in the multiplier or threshold.

“(xiii) FUNDING.—

“(I) IN GENERAL.—On October 1, 2010, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out clause (xii) \$5,000,000, to remain available until September 30, 2014.

“(II) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out clause (xii) the funds transferred under subclause (I), without further appropriation.”

(2) CONFORMING AMENDMENTS.—Section 11(a)(1)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(1)(B)) is amended by striking “or (E)” and inserting “(E), or (F)”.

(b) UNIVERSAL MEAL SERVICE THROUGH CENSUS DATA.—Section 11 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a) is amended by adding at the end the following:

“(g) UNIVERSAL MEAL SERVICE THROUGH CENSUS DATA.—

“(1) IN GENERAL.—To the maximum extent practicable, the Secretary shall identify alternatives to—

“(A) the daily counting by category of meals provided by school lunch programs under this Act and the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773); and

“(B) the use of annual applications as the basis for eligibility to receive free meals or reduced price meals under this Act.

“(2) RECOMMENDATIONS.—

“(A) CONSIDERATIONS.—

“(i) IN GENERAL.—In identifying alternatives under paragraph (1), the Secretary shall consider the recommendations of the Committee on National Statistics of the National Academy of Sciences relating to use of the American Community Survey of the Bureau of the Census and other data sources.

“(ii) SOCIOECONOMIC SURVEY.—The Secretary shall consider use of a periodic socioeconomic survey of households of children attending school in the school food authority in not more than 3 school food authorities participating in the school lunch program under this Act.

“(iii) SURVEY PARAMETERS.—The Secretary shall establish requirements for the use of a socioeconomic survey under clause (ii), which shall—

“(I) include criteria for survey design, sample frame validity, minimum level of statistical precision, minimum survey response rates, frequency of data collection, and other criteria as determined by the Secretary;

“(II) be consistent with the Standards and Guidelines for Statistical Surveys, as published by the Office of Management and Budget;

“(III) be consistent with standards and requirements that ensure proper use of Federal funds; and

“(IV) specify that the socioeconomic survey be conducted at least once every 4 years.

“(B) USE OF ALTERNATIVES.—Alternatives described in subparagraph (A) that provide accurate and effective means of providing meal reimbursement consistent with the eligibility status of students may be—

“(i) implemented for use in schools or by school food authorities that agree—

“(I) to serve all breakfasts and lunches to students at no cost in accordance with regulations issued by the Secretary; and

“(II) to pay, from sources other than Federal funds, the costs of serving any lunches and breakfasts that are in excess of the value of assistance received under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) with respect to the number of lunches and breakfasts served during the applicable period; or

“(ii) further tested through demonstration projects carried out by the Secretary in accordance with subparagraph (C).

“(C) DEMONSTRATION PROJECTS.—

“(i) IN GENERAL.—For the purpose of carrying out demonstration projects described in subparagraph (B), the Secretary may waive any requirement of this Act relating to—

“(I) counting of meals provided by school lunch or breakfast programs;

“(II) applications for eligibility for free or reduced priced meals; or

“(III) required direct certification under section 9(b)(4).

“(ii) NUMBER OF PROJECTS.—The Secretary shall carry out demonstration projects under this paragraph in not more than 5 local educational agencies for each alternative model that is being tested.

“(iii) LIMITATION.—A demonstration project carried out under this paragraph shall have a duration of not more than 3 years.

“(iv) EVALUATION.—The Secretary shall evaluate each demonstration project carried out under this paragraph in accordance with procedures established by the Secretary.

“(v) REQUIREMENT.—In carrying out evaluations under clause (iv), the Secretary shall evaluate, using comparisons with local educational agencies with similar demographic characteristics—

“(I) the accuracy of the 1 or more methodologies adopted as compared to the daily counting by category of meals provided by school meal programs under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) and the use of annual applications as the basis for eligibility to receive free or reduced price meals under those Acts;

“(II) the effect of the 1 or more methodologies adopted on participation in programs under those Acts;

“(III) the effect of the 1 or more methodologies adopted on administration of programs under those Acts; and

“(IV) such other matters as the Secretary determines to be appropriate.”

#### SEC. 105. GRANTS FOR EXPANSION OF SCHOOL BREAKFAST PROGRAMS.

The Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) is amended by adding at the end the following:

#### “SEC. 23. GRANTS FOR EXPANSION OF SCHOOL BREAKFAST PROGRAMS.

“(a) DEFINITION OF QUALIFYING SCHOOL.—In this section, the term ‘qualifying school’ means a school in severe need, as described in section 4(d)(1).

“(b) ESTABLISHMENT.—Subject to the availability of appropriations provided in advance in an appropriations Act specifically for the purpose of carrying out this section, the Secretary shall establish a program under which the Secretary shall provide grants, on a competitive basis, to State educational agencies for the purpose of providing subgrants to local educational agencies for qualifying schools to establish, maintain, or expand the school breakfast program in accordance with this section.

“(c) GRANTS TO STATE EDUCATIONAL AGENCIES.—

“(1) APPLICATION.—To be eligible to receive a grant under this section, a State educational agency shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

“(2) ADMINISTRATION.—In carrying out this section, the Secretary shall—

“(A) develop an appropriate competitive application process; and

“(B) make information available to State educational agencies concerning the availability of funds under this section.

“(3) ALLOCATION.—The amount of grants provided by the Secretary to State educational agencies for a fiscal year under this section shall not exceed the lesser of—

“(A) the product obtained by multiplying—

“(i) the number of qualifying schools receiving subgrants or other benefits under subsection (d) for the fiscal year; and

“(ii) the maximum amount of a subgrant provided to a qualifying school under subsection (d)(4)(B); or

“(B) \$2,000,000.

“(d) SUBGRANTS TO QUALIFYING SCHOOLS.—

“(1) IN GENERAL.—A State educational agency receiving a grant under this section shall use funds made available under the grant to award subgrants to local educational agencies for a qualifying school or groups of qualifying schools to carry out activities in accordance with this section.

“(2) PRIORITY.—In awarding subgrants under this subsection, a State educational agency shall give priority to local educational agencies with qualifying schools in which at least 75 percent of the students are eligible for free or reduced price school lunches under the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

“(3) STATE AND DISTRICT TRAINING AND TECHNICAL SUPPORT.—A local educational agency or State educational agency may allocate a portion of each subgrant to provide training and technical assistance to the staff of qualifying schools to carry out the purposes of this section.

“(4) AMOUNT; TERM.—

“(A) IN GENERAL.—Except as otherwise provided in this paragraph, a subgrant provided by a State educational agency to a local educational agency or qualifying school under this section shall be in such amount, and shall be provided for such term, as the State educational agency determines appropriate.

“(B) MAXIMUM AMOUNT.—The amount of a subgrant provided by a State educational agency to a local educational agency for a qualifying school or a group of qualifying schools under this subsection shall not exceed \$10,000 for each school year.

“(C) MAXIMUM GRANT TERM.—A local educational agency or State educational agency shall not provide subgrants to a qualifying school under this subsection for more than 2 fiscal years.

“(e) BEST PRACTICES.—

“(1) IN GENERAL.—Prior to awarding grants under this section, the Secretary shall make available to State educational agencies information regarding the most effective mechanisms by which to increase school breakfast participation among eligible children at qualifying schools.

“(2) PREFERENCE.—In awarding subgrants under this section, a State educational agency shall give preference to local educational agencies for qualifying schools or groups of qualifying schools that have adopted, or provide assurances that the subgrant funds will be used to adopt, the most effective mechanisms identified by the Secretary under paragraph (1).

“(f) USE OF FUNDS.—

“(1) IN GENERAL.—A qualifying school may use a grant provided under this section—

“(A) to establish, promote, or expand a school breakfast program of the qualifying school under this section, which shall include a nutritional education component;

“(B) to extend the period during which school breakfast is available at the qualifying school;

“(C) to provide school breakfast to students of the qualifying school during the school day; or

“(D) for other appropriate purposes, as determined by the Secretary.

“(2) REQUIREMENT.—Each activity of a qualifying school under this subsection shall be carried out in accordance with applicable nutritional guidelines and regulations issued by the Secretary.

“(g) MAINTENANCE OF EFFORT.—Grants made available under this section shall not diminish or otherwise affect the expenditure of funds from State and local sources for the maintenance of the school breakfast program.

“(h) REPORTS.—Not later than 18 months following the end of a school year during which subgrants are awarded under this section, the Secretary shall submit to Congress a report describing the activities of the qualifying schools awarded subgrants.

“(i) EVALUATION.—Not later than 180 days before the end of a grant term under this section, a local educational agency that receives a subgrant under this section shall—

“(1) evaluate whether electing to provide universal free breakfasts under the school breakfast program in accordance with Provision 2 as established under subsections (b) through (k) of section 245.9 of title 7, Code of Federal Regulations (or successor regulations), would be cost-effective for the qualified schools based on estimated administrative savings and economies of scale; and

“(2) submit the results of the evaluation to the State educational agency.

“(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2010 through 2015.”

#### Subtitle B—Summer Food Service Program

#### SEC. 111. ALIGNMENT OF ELIGIBILITY RULES FOR PUBLIC AND PRIVATE SPONSORS.

Section 13(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(a)) is amended by striking paragraph (7) and inserting the following:

“(7) PRIVATE NONPROFIT ORGANIZATIONS.—

“(A) DEFINITION OF PRIVATE NONPROFIT ORGANIZATION.—In this paragraph, the term ‘private nonprofit organization’ means an organization that—

“(i) exercises full control and authority over the operation of the program at all sites under the sponsorship of the organization;

“(ii) provides ongoing year-round activities for children or families;

“(iii) demonstrates that the organization has adequate management and the fiscal capacity to operate a program under this section;

“(iv) is an organization described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under 501(a) of that Code; and

“(v) meets applicable State and local health, safety, and sanitation standards.

“(B) ELIGIBILITY.—Private nonprofit organizations (other than organizations eligible under paragraph (1)) shall be eligible for the program under the same terms and conditions as other service institutions.”.

#### SEC. 112. OUTREACH TO ELIGIBLE FAMILIES.

Section 13(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(a)) is amended by adding at the end the following:

“(11) OUTREACH TO ELIGIBLE FAMILIES.—

“(A) IN GENERAL.—The Secretary shall require each State agency that administers the national school lunch program under this Act to ensure that, to the maximum extent practicable, school food authorities participating in the school lunch program under this Act cooperate with participating service institutions to distribute materials to inform families of—

“(i) the availability and location of summer food service program meals; and

“(ii) the availability of reimbursable breakfasts served under the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).

“(B) INCLUSIONS.—Informational activities carried out under subparagraph (A) may include—

“(i) the development or dissemination of printed materials, to be distributed to all school children or the families of school children prior to the end of the school year, that inform families of the availability and location of summer food service program meals;

“(ii) the development or dissemination of materials, to be distributed using electronic means to all school children or the families of school children prior to the end of the school year, that inform families of the availability and location of summer food service program meals; and

“(iii) such other activities as are approved by the applicable State agency to promote the availability and location of summer food service program meals to school children and the families of school children.

“(C) MULTIPLE STATE AGENCIES.—If the State agency administering the program under this section is not the same State agency that administers the school lunch program under this Act, the 2 State agencies shall work cooperatively to implement this paragraph.”.

#### SEC. 113. SUMMER FOOD SERVICE SUPPORT GRANTS.

Section 13(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(a)) (as amended by section 112) is amended by adding at the end the following:

“(12) SUMMER FOOD SERVICE SUPPORT GRANTS.—

“(A) IN GENERAL.—The Secretary shall use funds made available to carry out this paragraph to award grants on a competitive basis to State agencies to provide to eligible service institutions—

“(i) technical assistance;

“(ii) assistance with site improvement costs; or

“(iii) other innovative activities that improve and encourage sponsor retention.

“(B) ELIGIBILITY.—To be eligible to receive a grant under this paragraph, a State agency shall submit an application to the Secretary in such manner, at such time, and containing such information as the Secretary may require.

“(C) PRIORITY.—In making grants under this paragraph, the Secretary shall give priority to—

“(i) applications from States with significant low-income child populations; and

“(ii) State plans that demonstrate innovative approaches to retain and support summer food service programs after the expiration of the start-up funding grants.

“(D) USE OF FUNDS.—A State and eligible service institution may use funds made available under this paragraph to pay for such costs as the Secretary determines are necessary to establish and maintain summer food service programs.

“(E) REALLOCATION.—The Secretary may reallocate any amounts made available to carry out this paragraph that are not obligated or expended, as determined by the Secretary.

“(F) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph \$20,000,000 for fiscal years 2011 through 2015.”.

#### Subtitle C—Child and Adult Care Food Program

#### SEC. 121. SIMPLIFYING AREA ELIGIBILITY DETERMINATIONS IN THE CHILD AND ADULT CARE FOOD PROGRAM.

Section 17(f)(3)(A)(ii)(I)(bb) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(f)(3)(A)(ii)(I)(bb)) is amended by striking “elementary”.

#### SEC. 122. EXPANSION OF AFTERSCHOOL MEALS FOR AT-RISK CHILDREN.

Section 17(r) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(r)) is amended by striking paragraph (5) and inserting the following:

“(5) LIMITATION.—An institution participating in the program under this subsection may not claim reimbursement for meals and snacks that are served under section 18(h) on the same day.

“(6) HANDBOOK.—

“(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Healthy, Hunger-Free Kids Act of 2010, the Secretary shall—

“(i) issue guidelines for afterschool meals for at-risk school children; and

“(ii) publish a handbook reflecting those guidelines.

“(B) REVIEW.—Each year after the issuance of guidelines under subparagraph (A), the Secretary shall—

“(i) review the guidelines; and

“(ii) issue a revised handbook reflecting changes made to the guidelines.”.

#### Subtitle D—Special Supplemental Nutrition Program for Women, Infants, and Children

#### SEC. 131. CERTIFICATION PERIODS.

Section 17(d)(3)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(3)(A)) is amended by adding at the end the following:

“(iii) CHILDREN.—A State may elect to certify participant children for a period of up to 1 year, if the State electing the option provided under this clause ensures that participant children receive required health and nutrition assessments.”.

#### Subtitle E—Miscellaneous

#### SEC. 141. CHILDHOOD HUNGER RESEARCH.

The Richard B. Russell National School Lunch Act is amended by inserting after section 22 (42 U.S.C. 1769c) the following:

#### “SEC. 23. CHILDHOOD HUNGER RESEARCH.

“(a) RESEARCH ON CAUSES AND CONSEQUENCES OF CHILDHOOD HUNGER.—

“(1) IN GENERAL.—The Secretary shall conduct research on—

“(A) the causes of childhood hunger and food insecurity;

“(B) the characteristics of households with childhood hunger and food insecurity; and

“(C) the consequences of childhood hunger and food insecurity.

“(2) AUTHORITY.—In carrying out research under paragraph (1), the Secretary may—

“(A) enter into competitively awarded contracts or cooperative agreements; or

“(B) provide grants to States or public or private agencies or organizations, as determined by the Secretary.

“(3) APPLICATION.—To be eligible to enter into a contract or cooperative agreement or receive a grant under this subsection, a State or public or private agency or organization shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary shall require.

“(4) AREAS OF INQUIRY.—The Secretary shall design the research program to advance knowledge and understanding of information on the issues described in paragraph (1), such as—

“(A) economic, health, social, cultural, demographic, and other factors that contribute to childhood hunger or food insecurity;

“(B) the geographic distribution of childhood hunger and food insecurity;

“(C) the extent to which—

“(i) existing Federal assistance programs, including the Internal Revenue Code of 1986, reduce childhood hunger and food insecurity; and

“(ii) childhood hunger and food insecurity persist due to—

“(I) gaps in program coverage;

“(II) the inability of potential participants to access programs; or

“(III) the insufficiency of program benefits or services;

“(D) the public health and medical costs of childhood hunger and food insecurity;

“(E) an estimate of the degree to which the Census Bureau measure of food insecurity underestimates childhood hunger and food insecurity because the Census Bureau excludes certain households, such as homeless, or other factors;

“(F) the effects of childhood hunger on child development, well-being, and educational attainment; and

“(G) such other critical outcomes as are determined by the Secretary.

“(5) FUNDING.—

“(A) IN GENERAL.—On October 1, 2012, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this subsection \$10,000,000, to remain available until expended.

“(B) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under subparagraph (A), without further appropriation.

“(b) DEMONSTRATION PROJECTS TO END CHILDHOOD HUNGER.—

“(1) DEFINITIONS.—In this subsection:

“(A) CHILD.—The term ‘child’ means a person under the age of 18.

“(B) SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.—The term ‘supplemental nutrition assistance program’ means the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

“(2) PURPOSE.—Under such terms and conditions as are established by the Secretary, the Secretary shall carry out demonstration projects that test innovative strategies to end childhood hunger, including alternative models for service delivery and benefit levels that promote the reduction or elimination of childhood hunger and food insecurity.

“(3) PROJECTS.—Demonstration projects carried out under this subsection may include projects that—

“(A) enhance benefits provided under the supplemental nutrition assistance program for eligible households with children;

“(B) enhance benefits or provide for innovative program delivery models in the school meals, afterschool snack, and child and adult care food programs under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.); and

“(C) target Federal, State, or local assistance, including emergency housing or family preservation services, at households with children who are experiencing hunger or food insecurity, to the extent permitted by the legal authority establishing those assistance programs and services.

“(4) GRANTS.—

“(A) DEMONSTRATION PROJECTS.—

“(i) IN GENERAL.—In carrying out this subsection, the Secretary may enter into competitively awarded contracts or cooperative agreements with, or provide grants to, public or private organizations or agencies (as determined by the Secretary), for use in accordance with demonstration projects that meet the purposes of this subsection.

“(ii) REQUIREMENT.—At least 1 demonstration project funded under this subsection shall be carried out on an Indian reservation in a rural area with a service population with a prevalence of diabetes that exceeds 15 percent, as determined by the Director of the Indian Health Service.

“(B) APPLICATION.—To be eligible to receive a contract, cooperative agreement, or grant under this subsection, an organization or agency shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

“(C) SELECTION CRITERIA.—Demonstration projects shall be selected based on publicly disseminated criteria that may include—

“(i) an identification of a low-income target group that reflects individuals experiencing hunger or food insecurity;

“(ii) a commitment to a demonstration project that allows for a rigorous outcome evaluation as described in paragraph (6);

“(iii) a focus on innovative strategies to reduce the risk of childhood hunger or provide a significant improvement to the food security status of households with children; and

“(iv) such other criteria as are determined by the Secretary.

“(5) CONSULTATION.—In determining the range of projects and defining selection criteria under this subsection, the Secretary shall consult with—

“(A) the Secretary of Health and Human Services;

“(B) the Secretary of Labor; and

“(C) the Secretary of Housing and Urban Development.

“(6) EVALUATION AND REPORTING.—

“(A) INDEPENDENT EVALUATION.—The Secretary shall provide for an independent evaluation of each demonstration project carried out under this subsection that—

“(i) measures the impact of each demonstration project on appropriate participation, food security, nutrition, and associated behavioral outcomes among participating households; and

“(ii) uses rigorous experimental designs and methodologies, particularly random assignment or other methods that are capable of producing scientifically valid information regarding which activities are effective in reducing the prevalence or preventing the incidence of food insecurity and hunger in the community, especially among children.

“(B) REPORTING.—Not later than December 31, 2013 and each December 31 thereafter until the date on which the last evaluation under subparagraph (A) is completed, the Secretary shall—

“(i) submit to the Committee on Agriculture and the Committee on Education and Labor of the House of Representatives and

the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that includes a description of—

“(I) the status of each demonstration project; and

“(II) the results of any evaluations of the demonstration projects completed during the previous fiscal year; and

“(ii) ensure that the evaluation results are shared broadly to inform policy makers, service providers, other partners, and the public in order to promote the wide use of successful strategies.

“(7) FUNDING.—

“(A) IN GENERAL.—On October 1, 2012, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this subsection \$40,000,000, to remain available until September 30, 2017.

“(B) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under subparagraph (A), without further appropriation.

“(C) USE OF FUNDS.—

“(i) IN GENERAL.—Funds made available under subparagraph (A) may be used to carry out this subsection, including to pay Federal costs associated with developing, soliciting, awarding, monitoring, evaluating, and disseminating the results of each demonstration project under this subsection.

“(ii) INDIAN RESERVATIONS.—Of amounts made available under subparagraph (A), the Secretary shall use a portion of the amounts to carry out research relating to hunger, obesity and type 2 diabetes on Indian reservations, including research to determine the manner in which Federal nutrition programs can help to overcome those problems.

“(iii) REPORT.—Not later than 1 year after the date of enactment of this section, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

“(I) describes the manner in which Federal nutrition programs can help to overcome child hunger nutrition problems on Indian reservations; and

“(II) contains proposed administrative and legislative recommendations to strengthen and streamline all relevant Department of Agriculture nutrition programs to reduce childhood hunger, obesity, and type 2 diabetes on Indian reservations.

“(D) LIMITATIONS.—

“(i) DURATION.—No project may be funded under this subsection for more than 5 years.

“(ii) PROJECT REQUIREMENTS.—No project that makes use of, alters, or coordinates with the supplemental nutrition assistance program may be funded under this subsection unless the project is fully consistent with the project requirements described in section 17(b)(1)(B) of the Food and Nutrition Act of 2008 (7 U.S.C. 2026(b)(1)(B)).

“(iii) HUNGER-FREE COMMUNITIES.—No project may be funded under this subsection that receives funding under section 4405 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 7517).

“(iv) OTHER BENEFITS.—Funds made available under this subsection may not be used for any project in a manner that is inconsistent with—

“(I) this Act;

“(II) the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

“(III) the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.); or

“(IV) the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.).”.

## SEC. 142. STATE CHILDHOOD HUNGER CHALLENGE GRANTS.

The Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) is amended by inserting after section 23 (as added by section 141) the following:

## “SEC. 24. STATE CHILDHOOD HUNGER CHALLENGE GRANTS.

“(a) DEFINITIONS.—In this section:

“(1) CHILD.—The term ‘child’ means a person under the age of 18.

“(2) SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.—The term ‘supplemental nutrition assistance program’ means the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

“(b) PURPOSE.—Under such terms and conditions as are established by the Secretary, funds made available under this section may be used to competitively award grants to or enter into cooperative agreements with Governors to carry out comprehensive and innovative strategies to end childhood hunger, including alternative models for service delivery and benefit levels that promote the reduction or elimination of childhood hunger by 2015.

“(c) PROJECTS.—State demonstration projects carried out under this section may include projects that—

“(1) enhance benefits provided under the supplemental nutrition assistance program for eligible households with children;

“(2) enhance benefits or provide for innovative program delivery models in the school meals, afterschool snack, and child and adult care food programs under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

“(3) target Federal, State, or local assistance, including emergency housing, family preservation services, child care, or temporary assistance at households with children who are experiencing hunger or food insecurity, to the extent permitted by the legal authority establishing those assistance programs and services;

“(4) enhance outreach to increase access and participation in Federal nutrition assistance programs; and

“(5) improve the coordination of Federal, State, and community resources and services aimed at preventing food insecurity and hunger, including through the establishment and expansion of State food policy councils.

“(d) GRANTS.—

“(1) IN GENERAL.—In carrying out this section, the Secretary may competitively award grants or enter into competitively awarded cooperative agreements with Governors for use in accordance with demonstration projects that meet the purposes of this section.

“(2) APPLICATION.—To be eligible to receive a grant or cooperative agreement under this section, a Governor shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

“(3) SELECTION CRITERIA.—The Secretary shall evaluate proposals based on publicly disseminated criteria that may include—

“(A) an identification of a low-income target group that reflects individuals experiencing hunger or food insecurity;

“(B) a commitment to approaches that allow for a rigorous outcome evaluation as described in subsection (f);

“(C) a comprehensive and innovative strategy to reduce the risk of childhood hunger or provide a significant improvement to the food security status of households with children; and

“(D) such other criteria as are determined by the Secretary.

“(4) REQUIREMENTS.—Any project funded under this section shall provide for—

“(A) a baseline assessment, and subsequent annual assessments, of the prevalence and severity of very low food security among children in the State, based on a methodology prescribed by the Secretary;

“(B) a collaborative planning process including key stakeholders in the State that results in a comprehensive agenda to eliminate childhood hunger that is—

“(i) described in a detailed project plan; and

“(ii) provided to the Secretary for approval;

“(C) an annual budget;

“(D) specific performance goals, including the goal to sharply reduce or eliminate food insecurity among children in the State by 2015, as determined through a methodology prescribed by the Secretary and carried out by the Governor; and

“(E) an independent outcome evaluation of not less than 1 major strategy of the project that measures—

“(i) the specific impact of the strategy on food insecurity among children in the State; and

“(ii) if applicable, the nutrition assistance participation rate among children in the State.

“(e) CONSULTATION.—In determining the range of projects and defining selection criteria under this section, the Secretary shall consult with—

“(1) the Secretary of Health and Human Services;

“(2) the Secretary of Labor;

“(3) the Secretary of Education; and

“(4) the Secretary of Housing and Urban Development.

“(f) EVALUATION AND REPORTING.—

“(1) GENERAL PERFORMANCE ASSESSMENT.—Each project authorized under this section shall require an independent assessment that—

“(A) measures the impact of any activities carried out under the project on the level of food insecurity in the State that—

“(i) focuses particularly on the level of food insecurity among children in the State; and

“(ii) includes a preimplementation baseline and annual measurements taken during the project of the level of food insecurity in the State; and

“(B) is carried out using a methodology prescribed by the Secretary.

“(2) INDEPENDENT EVALUATION.—Each project authorized under this section shall provide for an independent evaluation of not less than 1 major strategy that—

“(A) measures the impact of the strategy on appropriate participation, food security, nutrition, and associated behavioral outcomes among participating households; and

“(B) uses rigorous experimental designs and methodologies, particularly random assignment or other methods that are capable of producing scientifically valid information regarding which activities are effective in reducing the prevalence or preventing the incidence of food insecurity and hunger in the community, especially among children.

“(3) REPORTING.—Not later than December 31, 2011 and each December 31 thereafter until the date on which the last evaluation under paragraph (1) is completed, the Secretary shall—

“(A) submit to the Committee on Agriculture and the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that includes a description of—

“(i) the status of each State demonstration project; and

“(ii) the results of any evaluations of the demonstration projects completed during the previous fiscal year; and

“(B) ensure that the evaluation results are shared broadly to inform policy makers, service providers, other partners, and the public in order to promote the wide use of successful strategies.

“(g) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2011 through 2014, to remain available until expended.

“(2) USE OF FUNDS.—Funds made available under paragraph (1) may be used to carry out this section, including to pay Federal costs associated with developing, soliciting, awarding, monitoring, evaluating, and disseminating the results of each demonstration project under this section.

“(3) LIMITATIONS.—

“(A) DURATION.—No project may be funded under this section for more than 5 years.

“(B) PERFORMANCE BASIS.—Funds provided under this section shall be made available to each Governor on an annual basis, with the amount of funds provided for each year contingent on the satisfactory implementation of the project plan and progress towards the performance goals defined in the project year plan.

“(C) ALTERING NUTRITION ASSISTANCE PROGRAM REQUIREMENTS.—No project that makes use of, alters, or coordinates with the supplemental nutrition assistance program may be funded under this section unless the project is fully consistent with the project requirements described in section 17(b)(1)(B) of the Food and Nutrition Act of 2008 (7 U.S.C. 2026(b)(1)(B)).

“(D) OTHER BENEFITS.—Funds made available under this section may not be used for any project in a manner that is inconsistent with—

“(i) this Act;

“(ii) the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

“(iii) the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.); or

“(iv) the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.).”

#### SEC. 143. REVIEW OF LOCAL POLICIES ON MEAL CHARGES AND PROVISION OF ALTERNATE MEALS.

(a) IN GENERAL.—

(1) REVIEW.—The Secretary, in conjunction with States and participating local educational agencies, shall examine the current policies and practices of States and local educational agencies regarding extending credit to children to pay the cost to the children of reimbursable school lunches and breakfasts.

(2) SCOPE.—The examination under paragraph (1) shall include the policies and practices in effect as of the date of enactment of this Act relating to providing to children who are without funds a meal other than the reimbursable meals.

(3) FEASIBILITY.—In carrying out the examination under paragraph (1), the Secretary shall—

(A) prepare a report on the feasibility of establishing national standards for meal charges and the provision of alternate meals; and

(B) provide recommendations for implementing those standards.

(b) FOLLOWUP ACTIONS.—

(1) IN GENERAL.—Based on the findings and recommendations under subsection (a), the Secretary may—

(A) implement standards described in paragraph (3) of that subsection through regulation;

(B) test recommendations through demonstration projects; or

(C) study further the feasibility of recommendations.

(2) FACTORS FOR CONSIDERATION.—In determining how best to implement recommendations described in subsection (a)(3), the Secretary shall consider such factors as—

(A) the impact of overt identification on children;

(B) the manner in which the affected households will be provided with assistance in establishing eligibility for free or reduced price school meals; and

(C) the potential financial impact on local educational agencies.

#### TITLE II—REDUCING CHILDHOOD OBESITY AND IMPROVING THE DIETS OF CHILDREN

##### Subtitle A—National School Lunch Program

#### SEC. 201. PERFORMANCE-BASED REIMBURSEMENT RATE INCREASES FOR NEW MEAL PATTERNS.

Section 4(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1753(b)) is amended by adding at the end the following:

“(3) ADDITIONAL REIMBURSEMENT.—

“(A) REGULATIONS.—

“(i) PROPOSED REGULATIONS.—Notwithstanding section 9(f), not later than 18 months after the date of enactment of this paragraph, the Secretary shall promulgate proposed regulations to update the meal patterns and nutrition standards for the school lunch program authorized under this Act and the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) based on recommendations made by the Food and Nutrition Board of the National Research Council of the National Academy of Sciences.

“(ii) INTERIM OR FINAL REGULATIONS.—

“(I) IN GENERAL.—Not later than 18 months after promulgation of the proposed regulations under clause (i), the Secretary shall promulgate interim or final regulations.

“(II) DATE OF REQUIRED COMPLIANCE.—The Secretary shall establish in the interim or final regulations a date by which all school food authorities participating in the school lunch program authorized under this Act and the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) are required to comply with the meal pattern and nutrition standards established in the interim or final regulations.

“(iii) REPORT TO CONGRESS.—Not later than 90 days after the date of enactment of this paragraph, and each 90 days thereafter until the Secretary has promulgated interim or final regulations under clause (ii), the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a quarterly report on progress made toward promulgation of the regulations described in this subparagraph.

“(B) PERFORMANCE-BASED REIMBURSEMENT RATE INCREASE.—Beginning on the later of the date of promulgation of the implementing regulations described in subparagraph (A)(ii), the date of enactment of this paragraph, or October 1, 2012, the Secretary shall provide additional reimbursement for each lunch served in school food authorities determined to be eligible under subparagraph (D).

“(C) ADDITIONAL REIMBURSEMENT.—

“(i) IN GENERAL.—Each lunch served in school food authorities determined to be eligible under subparagraph (D) shall receive an additional 6 cents, adjusted in accordance with section 11(a)(3), to the national lunch average payment for each lunch served.

“(ii) DISBURSEMENT.—The State agency shall disburse funds made available under this paragraph to school food authorities eligible to receive additional reimbursement.

“(D) ELIGIBLE SCHOOL FOOD AUTHORITY.—To be eligible to receive an additional reimbursement described in this paragraph, a



school food authority shall be certified by the State to be in compliance with the interim or final regulations described in subparagraph (A)(ii).

“(E) FAILURE TO COMPLY.—Beginning on the later of the date described in subparagraph (A)(ii)(II), the date of enactment of this paragraph, or October 1, 2012, school food authorities found to be out of compliance with the meal patterns or nutrition standards established by the implementing regulations shall not receive the additional reimbursement for each lunch served described in this paragraph.

“(F) ADMINISTRATIVE COSTS.—

“(i) IN GENERAL.—Subject to clauses (ii) and (iii), the Secretary shall make funds available to States for State activities related to training, technical assistance, certification, and oversight activities of this paragraph.

“(ii) PROVISION OF FUNDS.—The Secretary shall provide funds described in clause (i) to States administering a school lunch program in a manner proportional to the administrative expense allocation of each State during the preceding fiscal year.

“(iii) FUNDING.—

“(I) IN GENERAL.—In the later of the fiscal year in which the implementing regulations described in subparagraph (A)(ii) are promulgated or the fiscal year in which this paragraph is enacted, and in the subsequent fiscal year, the Secretary shall use not more than \$50,000,000 of funds made available under section 3 to make payments to States described in clause (i).

“(II) RESERVATION.—In providing funds to States under clause (i), the Secretary may reserve not more than \$3,000,000 per fiscal year to support Federal administrative activities to carry out this paragraph.”

#### SEC. 202. NUTRITION REQUIREMENTS FOR FLUID MILK.

Section 9(a)(2)(A) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(a)(2)(A)) is amended by striking clause (i) and inserting the following:

“(i) shall offer students a variety of fluid milk. Such milk shall be consistent with the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341);”

#### SEC. 203. WATER.

Section 9(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(a)) is amended by adding at the end the following:

“(5) WATER.—Schools participating in the school lunch program under this Act shall make available to children free of charge, as nutritionally appropriate, potable water for consumption in the place where meals are served during meal service.”

#### SEC. 204. LOCAL SCHOOL WELLNESS POLICY IMPLEMENTATION.

(a) IN GENERAL.—The Richard B. Russell National School Lunch Act is amended by inserting after section 9 (42 U.S.C. 1758) the following:

##### “SEC. 9A. LOCAL SCHOOL WELLNESS POLICY.

“(a) IN GENERAL.—Each local educational agency participating in a program authorized by this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) shall establish a local school wellness policy for all schools under the jurisdiction of the local educational agency.

“(b) GUIDELINES.—The Secretary shall promulgate regulations that provide the framework and guidelines for local educational agencies to establish local school wellness policies, including, at a minimum,—

“(1) goals for nutrition promotion and education, physical activity, and other school-based activities that promote student wellness;

“(2) for all foods available on each school campus under the jurisdiction of the local educational agency during the school day, nutrition guidelines that—

“(A) are consistent with sections 9 and 17 of this Act, and sections 4 and 10 of the Child Nutrition Act of 1966 (42 U.S.C. 1773, 1779); and

“(B) promote student health and reduce childhood obesity;

“(3) a requirement that the local educational agency permit parents, students, representatives of the school food authority, teachers of physical education, school health professionals, the school board, school administrators, and the general public to participate in the development, implementation, and periodic review and update of the local school wellness policy;

“(4) a requirement that the local educational agency inform and update the public (including parents, students, and others in the community) about the content and implementation of the local school wellness policy; and

“(5) a requirement that the local educational agency—

“(A) periodically measure and make available to the public an assessment on the implementation of the local school wellness policy, including—

“(i) the extent to which schools under the jurisdiction of the local educational agency are in compliance with the local school wellness policy;

“(ii) the extent to which the local school wellness policy of the local educational agency compares to model local school wellness policies; and

“(iii) a description of the progress made in attaining the goals of the local school wellness policy; and

“(B) designate 1 or more local educational agency officials or school officials, as appropriate, to ensure that each school complies with the local school wellness policy.

“(c) LOCAL DISCRETION.—The local educational agency shall use the guidelines promulgated by the Secretary under subsection (b) to determine specific policies appropriate for the schools under the jurisdiction of the local educational agency.

“(d) TECHNICAL ASSISTANCE AND BEST PRACTICES.—

“(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Education and the Secretary of Health and Human Services, acting through the Centers for Disease Control and Prevention, shall provide information and technical assistance to local educational agencies, school food authorities, and State educational agencies for use in establishing healthy school environments that are intended to promote student health and wellness.

“(2) CONTENT.—The Secretary shall provide technical assistance that—

“(A) includes resources and training on designing, implementing, promoting, disseminating, and evaluating local school wellness policies and overcoming barriers to the adoption of local school wellness policies;

“(B) includes model local school wellness policies and best practices recommended by Federal agencies, State agencies, and non-governmental organizations;

“(C) includes such other technical assistance as is required to promote sound nutrition and establish healthy school nutrition environments; and

“(D) is consistent with the specific needs and requirements of local educational agencies.

“(3) STUDY AND REPORT.—

“(A) IN GENERAL.—Subject to the availability of appropriations, the Secretary, in conjunction with the Director of the Centers for Disease Control and Prevention, shall

prepare a report on the implementation, strength, and effectiveness of the local school wellness policies carried out in accordance with this section.

“(B) STUDY OF LOCAL SCHOOL WELLNESS POLICIES.—The study described in subparagraph (A) shall include—

“(i) an analysis of the strength and weaknesses of local school wellness policies and how the policies compare with model local wellness policies recommended under paragraph (2)(B); and

“(ii) an assessment of the impact of the local school wellness policies in addressing the requirements of subsection (b).

“(C) REPORT.—Not later than January 1, 2014, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the findings of the study.

“(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph \$3,000,000 for fiscal year 2011, to remain available until expended.”

(b) REPEAL.—Section 204 of the Child Nutrition and WIC Reauthorization Act of 2004 (42 U.S.C. 1751 note; Public Law 108-265) is repealed.

#### SEC. 205. EQUITY IN SCHOOL LUNCH PRICING.

Section 12 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760) is amended by adding at the end the following:

“(p) PRICE FOR A PAID LUNCH.—

“(1) DEFINITION OF PAID LUNCH.—In this subsection, the term ‘paid lunch’ means a reimbursable lunch served to students who are not certified to receive free or reduced price meals.

“(2) REQUIREMENT.—

“(A) IN GENERAL.—For each school year beginning July 1, 2011, each school food authority shall establish a price for paid lunches in accordance with this subsection.

“(B) LOWER PRICE.—

“(i) IN GENERAL.—In the case of a school food authority that established a price for a paid lunch in the previous school year that was less than the difference between the total Federal reimbursement for a free lunch and the total Federal reimbursement for a paid lunch, the school food authority shall establish an average price for a paid lunch that is not less than the price charged in the previous school year, as adjusted by a percentage equal to the sum obtained by adding—

“(I) 2 percent; and

“(II) the percentage change in the Consumer Price Index for All Urban Consumers (food away from home index) used to increase the Federal reimbursement rate under section 11 for the most recent school year for which data are available, as published in the Federal Register.

“(ii) ROUNDING.—A school food authority may round the adjusted price for a paid lunch under clause (i) down to the nearest 5 cents.

“(iii) MAXIMUM REQUIRED PRICE INCREASE.—

“(I) IN GENERAL.—The maximum annual average price increase required to meet the requirements of this subparagraph shall not exceed 10 cents for any school food authority.

“(II) DISCRETIONARY INCREASE.—A school food authority may increase the average price for a paid lunch for a school year by more than 10 cents.

“(C) EQUAL OR GREATER PRICE.—

“(i) IN GENERAL.—In the case of a school food authority that established an average price for a paid lunch in the previous school year that was equal to or greater than the



difference between the total Federal reimbursement for a free lunch and the total Federal reimbursement for a paid lunch, the school food authority shall establish an average price for a paid lunch that is not less than the difference between the total Federal reimbursement for a free lunch and the total Federal reimbursement for a paid lunch.

“(ii) ROUNDING.—A school food authority may round the adjusted price for a paid lunch under clause (i) down to the nearest 5 cents.

“(3) EXCEPTIONS.—

“(A) REDUCTION IN PRICE.—A school food authority may reduce the average price of a paid lunch established under this subsection if the State agency ensures that funding from non-Federal sources (other than in-kind contributions) is added to the nonprofit school food service account of the school food authority in an amount estimated to be equal to at least the difference between—

“(i) the average price required of the school food authority for the paid lunches under paragraph (2); and

“(ii) the average price charged by the school food authority for the paid lunches.

“(B) NON-FEDERAL SOURCES.—For the purposes of subparagraph (A), non-Federal sources does not include revenue from the sale of foods sold in competition with meals served under the school lunch program authorized under this Act or the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).

“(C) OTHER PROGRAMS.—This subsection shall not apply to lunches provided under section 17 of this Act.

“(4) REGULATIONS.—The Secretary shall establish procedures to carry out this subsection, including collecting and publishing the prices that school food authorities charge for paid meals on an annual basis and procedures that allow school food authorities to average the pricing of paid lunches at schools throughout the jurisdiction of the school food authority.”.

#### SEC. 206. REVENUE FROM NONPROGRAM FOODS SOLD IN SCHOOLS.

Section 12 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760) (as amended by section 205) is amended by adding at the end the following:

“(q) NONPROGRAM FOOD SALES.—

“(1) DEFINITION OF NONPROGRAM FOOD.—In this subsection:

“(A) IN GENERAL.—The term ‘nonprogram food’ means food that is—

“(i) sold in a participating school other than a reimbursable meal provided under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.); and

“(ii) purchased using funds from the nonprofit school food service account of the school food authority of the school.

“(B) INCLUSION.—The term ‘nonprogram food’ includes food that is sold in competition with a program established under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

“(2) REVENUES.—

“(A) IN GENERAL.—The proportion of total school food service revenue provided by the sale of nonprogram foods to the total revenue of the school food service account shall be equal to or greater than the proportion of total food costs associated with obtaining nonprogram foods to the total costs associated with obtaining program and nonprogram foods from the account.

“(B) ACCRUAL.—All revenue from the sale of nonprogram foods shall accrue to the nonprofit school food service account of a participating school food authority.

“(C) EFFECTIVE DATE.—This subsection shall be effective beginning on July 1, 2011.”.

#### SEC. 207. REPORTING AND NOTIFICATION OF SCHOOL PERFORMANCE.

Section 22 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769c) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) UNIFIED ACCOUNTABILITY SYSTEM.—

“(1) IN GENERAL.—There shall be a unified system prescribed and administered by the Secretary to ensure that local food service authorities participating in the school lunch program established under this Act and the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) comply with those Acts, including compliance with—

“(A) the nutritional requirements of section 9(f) of this Act for school lunches; and

“(B) as applicable, the nutritional requirements for school breakfasts under section 4(e)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(e)(1)).”; and

(2) in subsection (b)(1), by striking subparagraphs (A) and (B) and inserting the following:

“(A) require that local food service authorities comply with the nutritional requirements described in subparagraphs (A) and (B) of paragraph (1);

“(B) to the maximum extent practicable, ensure compliance through reasonable audits and supervisory assistance reviews;

“(C) in conducting audits and reviews for the purpose of determining compliance with this Act, including the nutritional requirements of section 9(f)—

“(i) conduct audits and reviews during a 3-year cycle or other period prescribed by the Secretary;

“(ii) select schools for review in each local educational agency using criteria established by the Secretary;

“(iii) report the final results of the reviews to the public in the State in an accessible, easily understood manner in accordance with guidelines promulgated by the Secretary; and

“(iv) submit to the Secretary each year a report containing the results of the reviews in accordance with procedures developed by the Secretary; and

“(D) when any local food service authority is reviewed under this section, ensure that the final results of the review by the State educational agency are posted and otherwise made available to the public on request in an accessible, easily understood manner in accordance with guidelines promulgated by the Secretary.”.

#### SEC. 208. NUTRITION STANDARDS FOR ALL FOODS SOLD IN SCHOOL.

Section 10 of the Child Nutrition Act of 1966 (42 U.S.C. 1779) is amended—

(1) by striking the section heading and all that follows through “(a) The Secretary” and inserting the following:

“SEC. 10. REGULATIONS.

“(a) IN GENERAL.—The Secretary”; and

(2) by striking subsection (b) and inserting the following:

“(b) NATIONAL SCHOOL NUTRITION STANDARDS.—

“(1) PROPOSED REGULATIONS.—

“(A) IN GENERAL.—The Secretary shall—

“(i) establish science-based nutrition standards for foods sold in schools other than foods provided under this Act and the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); and

“(ii) not later than 1 year after the date of enactment of this paragraph, promulgate proposed regulations to carry out clause (i).

“(B) APPLICATION.—The nutrition standards shall apply to all foods sold—

“(i) outside the school meal programs;

“(ii) on the school campus; and

“(iii) at any time during the school day.

“(C) REQUIREMENTS.—In establishing nutrition standards under this paragraph, the Secretary shall—

“(i) establish standards that are consistent with the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341), including the food groups to encourage and nutrients of concern identified in the Dietary Guidelines; and

“(ii) consider—

“(I) authoritative scientific recommendations for nutrition standards;

“(II) existing school nutrition standards, including voluntary standards for beverages and snack foods and State and local standards;

“(III) the practical application of the nutrition standards; and

“(IV) special exemptions for school-sponsored fundraisers (other than fundraising through vending machines, school stores, snack bars, a la carte sales, and any other exclusions determined by the Secretary), if the fundraisers are approved by the school and are infrequent within the school.

“(D) UPDATING STANDARDS.—As soon as practicable after the date of publication by the Department of Agriculture and the Department of Health and Human Services of a new edition of the Dietary Guidelines for Americans under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341), the Secretary shall review and update as necessary the school nutrition standards and requirements established under this subsection.

“(2) IMPLEMENTATION.—

“(A) EFFECTIVE DATE.—The interim or final regulations under this subsection shall take effect at the beginning of the school year that is not earlier than 1 year and not later than 2 years following the date on which the regulations are finalized.

“(B) REPORTING.—The Secretary shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Education and Labor of the House of Representatives a quarterly report that describes progress made toward promulgating final regulations under this subsection.”.

#### SEC. 209. INFORMATION FOR THE PUBLIC ON THE SCHOOL NUTRITION ENVIRONMENT.

Section 9 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758) is amended by adding at the end the following:

“(k) INFORMATION ON THE SCHOOL NUTRITION ENVIRONMENT.—

“(1) IN GENERAL.—The Secretary shall—

“(A) establish requirements for local educational agencies participating in the school lunch program under this Act and the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) to report information about the school nutrition environment, for all schools under the jurisdiction of the local educational agencies, to the Secretary and to the public in the State on a periodic basis; and

“(B) provide training and technical assistance to States and local educational agencies on the assessment and reporting of the school nutrition environment, including the use of any assessment materials developed by the Secretary.

“(2) REQUIREMENTS.—In establishing the requirements for reporting on the school nutrition environment under paragraph (1), the Secretary shall—

“(A) include information pertaining to food safety inspections, local wellness policies, meal program participation, the nutritional quality of program meals, and other

information as determined by the Secretary; and

“(B) ensure that information is made available to the public by local educational agencies in an accessible, easily understood manner in accordance with guidelines established by the Secretary.

“(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2011 through 2015.”.

#### SEC. 210. ORGANIC FOOD PILOT PROGRAM.

Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended by adding at the end the following:

“(j) ORGANIC FOOD PILOT PROGRAM.—

“(1) ESTABLISHMENT.—The Secretary shall establish an organic food pilot program (referred to in this subsection as the ‘pilot program’) under which the Secretary shall provide grants on a competitive basis to school food authorities selected under paragraph (3).

“(2) USE OF FUNDS.—

“(A) IN GENERAL.—The Secretary shall use funds provided under this section—

“(i) to enter into competitively awarded contracts or cooperative agreements with school food authorities selected under paragraph (3); or

“(ii) to make grants to school food authority applicants selected under paragraph (3).

“(B) SCHOOL FOOD AUTHORITY USES OF FUNDS.—A school food authority that receives a grant under this section shall use the grant funds to establish a pilot program that increases the quantity of organic foods provided to schoolchildren under the school lunch program established under this Act.

“(3) APPLICATION.—

“(A) IN GENERAL.—A school food authority seeking a contract, grant, or cooperative agreement under this subsection shall submit to the Secretary an application in such form, containing such information, and at such time as the Secretary shall prescribe.

“(B) CRITERIA.—In selecting contract, grant, or cooperative agreement recipients, the Secretary shall consider—

“(i) the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2), including any revision required by that section) applicable to a family of the size involved of the households in the district served by the school food authority, giving preference to school food authority applicants in which not less than 50 percent of the households in the district are at or below the Federal poverty line;

“(ii) the commitment of each school food authority applicant—

“(I) to improve the nutritional value of school meals;

“(II) to carry out innovative programs that improve the health and wellness of schoolchildren; and

“(III) to evaluate the outcome of the pilot program; and

“(iii) any other criteria the Secretary determines to be appropriate.

“(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection \$10,000,000 for fiscal years 2011 through 2015.”.

#### Subtitle B—Child and Adult Care Food Program

#### SEC. 221. NUTRITION AND WELLNESS GOALS FOR MEALS SERVED THROUGH THE CHILD AND ADULT CARE FOOD PROGRAM.

Section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) is amended—

(1) in subsection (a), by striking “(a) GRANT AUTHORITY” and all that follows

through the end of paragraph (1) and inserting the following:

“(a) PROGRAM PURPOSE, GRANT AUTHORITY AND INSTITUTION ELIGIBILITY.—

“(1) IN GENERAL.—

“(A) PROGRAM PURPOSE.—

“(i) FINDINGS.—Congress finds that—

“(I) eating habits and other wellness-related behavior habits are established early in life; and

“(II) good nutrition and wellness are important contributors to the overall health of young children and essential to cognitive development.

“(ii) PURPOSE.—The purpose of the program authorized by this section is to provide aid to child and adult care institutions and family or group day care homes for the provision of nutritious foods that contribute to the wellness, healthy growth, and development of young children, and the health and wellness of older adults and chronically impaired disabled persons.

“(B) GRANT AUTHORITY.—The Secretary may carry out a program to assist States through grants-in-aid and other means to initiate and maintain nonprofit food service programs for children in institutions providing child care.”.

(2) by striking subsection (g) and inserting the following:

“(g) NUTRITIONAL REQUIREMENTS FOR MEALS AND SNACKS SERVED IN INSTITUTIONS AND FAMILY OR GROUP DAY CARE HOMES.—

“(1) DEFINITION OF DIETARY GUIDELINES.—In this subsection, the term ‘Dietary Guidelines’ means the Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341).

“(2) NUTRITIONAL REQUIREMENTS.—

“(A) IN GENERAL.—Except as provided in subparagraph (C), reimbursable meals and snacks served by institutions, family or group day care homes, and sponsored centers participating in the program under this section shall consist of a combination of foods that meet minimum nutritional requirements prescribed by the Secretary on the basis of tested nutritional research.

“(B) CONFORMITY WITH THE DIETARY GUIDELINES AND AUTHORITATIVE SCIENCE.—

“(i) IN GENERAL.—Not less frequently than once every 10 years, the Secretary shall review and, as appropriate, update requirements for meals served under the program under this section to ensure that the meals—

“(I) are consistent with the goals of the most recent Dietary Guidelines; and

“(II) promote the health of the population served by the program authorized under this section, as indicated by the most recent relevant nutrition science and appropriate authoritative scientific agency and organization recommendations.

“(ii) COST REVIEW.—The review required under clause (i) shall include a review of the cost to child care centers and group or family day care homes resulting from updated requirements for meals and snacks served under the program under this section.

“(iii) REGULATIONS.—Not later than 18 months after the completion of the review of the meal pattern under clause (i), the Secretary shall promulgate proposed regulations to update the meal patterns for meals and snacks served under the program under this section.

“(C) EXCEPTIONS.—

“(i) SPECIAL DIETARY NEEDS.—The minimum nutritional requirements prescribed under subparagraph (A) shall not prohibit institutions, family or group day care homes, and sponsored centers from substituting foods to accommodate the medical or other special dietary needs of individual participants.

“(ii) EXEMPT INSTITUTIONS.—The Secretary may elect to waive all or part of the requirements of this subsection for emergency shelters participating in the program under this section.

“(3) MEAL SERVICE.—Institutions, family or group day care homes, and sponsored centers shall ensure that reimbursable meal service contributes to the development and socialization of enrolled children by providing that food is not used as a punishment or reward.

“(4) FLUID MILK.—

“(A) IN GENERAL.—If an institution, family or group day care home, or sponsored center provides fluid milk as part of a reimbursable meal or supplement, the institution, family or group day care home, or sponsored center shall provide the milk in accordance with the most recent version of the Dietary Guidelines.

“(B) MILK SUBSTITUTES.—In the case of children who cannot consume fluid milk due to medical or other special dietary needs other than a disability, an institution, family or group day care home, or sponsored center may substitute for the fluid milk required in meals served, a nondairy beverage that—

“(i) is nutritionally equivalent to fluid milk; and

“(ii) meets nutritional standards established by the Secretary, including, among other requirements established by the Secretary, fortification of calcium, protein, vitamin A, and vitamin D to levels found in cow's milk.

“(C) APPROVAL.—

“(i) IN GENERAL.—A substitution authorized under subparagraph (B) may be made—

“(I) at the discretion of and on approval by the participating day care institution; and

“(II) if the substitution is requested by written statement of a medical authority, or by the parent or legal guardian of the child, that identifies the medical or other special dietary need that restricts the diet of the child.

“(ii) EXCEPTION.—An institution, family or group day care home, or sponsored center that elects to make a substitution authorized under this paragraph shall not be required to provide beverages other than beverages the State has identified as acceptable substitutes.

“(D) EXCESS EXPENSES BORNE BY INSTITUTION.—A participating institution, family or group day care home, or sponsored center shall be responsible for any expenses that—

“(i) are incurred by the institution, family or group day care home, or sponsored center to provide substitutions under this paragraph; and

“(ii) are in excess of expenses covered under reimbursements under this Act.

“(5) NONDISCRIMINATION POLICY.—No physical segregation or other discrimination against any person shall be made because of the inability of the person to pay, nor shall there be any overt identification of any such person by special tokens or tickets, different meals or meal service, announced or published lists of names, or other means.

“(6) USE OF ABUNDANT AND DONATED FOODS.—To the maximum extent practicable, each institution shall use in its food service foods that are—

“(A) designated from time to time by the Secretary as being in abundance, either nationally or in the food service area; or

“(B) donated by the Secretary.”.

(3) by adding at the end the following:

“(u) PROMOTING HEALTH AND WELLNESS IN CHILD CARE.—

“(1) PHYSICAL ACTIVITY AND ELECTRONIC MEDIA USE.—The Secretary shall encourage participating child care centers and family or group day care homes—

“(A) to provide to all children under the supervision of the participating child care centers and family or group day care homes daily opportunities for structured and unstructured age-appropriate physical activity; and

“(B) to limit among children under the supervision of the participating child care centers and family or group day care homes the use of electronic media to an appropriate level.

“(2) **WATER CONSUMPTION.**—Participating child care centers and family or group day care homes shall make available to children, as nutritionally appropriate, potable water as an acceptable fluid for consumption throughout the day, including at meal times.

“(3) **TECHNICAL ASSISTANCE AND GUIDANCE.**—

“(A) **IN GENERAL.**—The Secretary shall provide technical assistance to institutions participating in the program under this section to assist participating child care centers and family or group day care homes in complying with the nutritional requirements and wellness recommendations prescribed by the Secretary in accordance with this subsection and subsection (g).

“(B) **GUIDANCE.**—Not later than January 1, 2012, the Secretary shall issue guidance to States and institutions to encourage participating child care centers and family or group day care homes serving meals and snacks under this section to—

“(i) include foods that are recommended for increased serving consumption in amounts recommended by the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341), including fresh, canned, dried, or frozen fruits and vegetables, whole grain products, lean meat products, and low-fat and non-fat dairy products; and

“(ii) reduce sedentary activities and provide opportunities for regular physical activity in quantities recommended by the most recent Dietary Guidelines for Americans described in clause (i).

“(C) **NUTRITION.**—Technical assistance relating to the nutritional requirements of this subsection and subsection (g) shall include—

“(i) nutrition education, including education that emphasizes the relationship between nutrition, physical activity, and health;

“(ii) menu planning;

“(iii) interpretation of nutrition labels; and

“(iv) food preparation and purchasing guidance to produce meals and snacks that are—

“(I) consistent with the goals of the most recent Dietary Guidelines; and

“(II) promote the health of the population served by the program under this section, as recommended by authoritative scientific organizations.

“(D) **PHYSICAL ACTIVITY.**—Technical assistance relating to the physical activity requirements of this subsection shall include—

“(i) education on the importance of regular physical activity to overall health and well being; and

“(ii) sharing of best practices for physical activity plans in child care centers and homes as recommended by authoritative scientific organizations.

“(E) **ELECTRONIC MEDIA USE.**—Technical assistance relating to the electronic media use requirements of this subsection shall include—

“(i) education on the benefits of limiting exposure to electronic media by children; and

“(ii) sharing of best practices for the development of daily activity plans that limit use of electronic media.

“(F) **MINIMUM ASSISTANCE.**—At a minimum, the technical assistance required under this paragraph shall include a handbook, developed by the Secretary in coordination with the Secretary for Health and Human Services, that includes recommendations, guidelines, and best practices for participating institutions and family or group day care homes that are consistent with the nutrition, physical activity, and wellness requirements and recommendations of this subsection.

“(G) **ADDITIONAL ASSISTANCE.**—In addition to the requirements of this paragraph, the Secretary shall develop and provide such appropriate training and education materials, guidance, and technical assistance as the Secretary considers to be necessary to comply with the nutritional and wellness requirements of this subsection and subsection (g).

“(H) **FUNDING.**—

“(i) **IN GENERAL.**—On October 1, 2010, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to provide technical assistance under this subsection \$10,000,000, to remain available until expended.

“(ii) **RECEIPT AND ACCEPTANCE.**—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under clause (i), without further appropriation.”

#### **SEC. 222. INTERAGENCY COORDINATION TO PROMOTE HEALTH AND WELLNESS IN CHILD CARE LICENSING.**

The Secretary shall coordinate with the Secretary of Health and Human Services to encourage State licensing agencies to include nutrition and wellness standards within State licensing standards that ensure, to the maximum extent practicable, that licensed child care centers and family or group day care homes—

(1) provide to all children under the supervision of the child care centers and family or group day care homes daily opportunities for age-appropriate physical activity;

(2) limit among children under the supervision of the child care centers and family or group day care homes the use of electronic media and the quantity of time spent in sedentary activity to an appropriate level;

(3) serve meals and snacks that are consistent with the requirements of the child and adult care food program established under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766); and

(4) promote such other nutrition and wellness goals as the Secretaries determine to be necessary.

#### **SEC. 223. STUDY ON NUTRITION AND WELLNESS QUALITY OF CHILD CARE SETTINGS.**

(a) **IN GENERAL.**—Not less than 3 years after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Health and Human Services, shall enter into a contract for the conduct of a nationally representative study of child care centers and family or group day care homes that includes an assessment of—

(1) the nutritional quality of all foods provided to children in child care settings as compared to the recommendations in most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341);

(2) the quantity and type of opportunities for physical activity provided to children in child care settings;

(3) the quantity of time spent by children in child care settings in sedentary activities;

(4) an assessment of barriers and facilitators to—

(A) providing foods to children in child care settings that meet the recommendations of the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341);

(B) providing the appropriate quantity and type of opportunities of physical activity for children in child care settings; and

(C) participation by child care centers and family or group day care homes in the child and adult care food program established under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766); and

(5) such other assessment measures as the Secretary may determine to be necessary.

(b) **REPORT TO CONGRESS.**—The Secretary shall submit to Congress a report that includes a detailed description of the results of the study conducted under subsection (a).

(c) **FUNDING.**—

(1) **IN GENERAL.**—On October 1, 2010, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section \$5,000,000, to remain available until expended.

(2) **RECEIPT AND ACCEPTANCE.**—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

#### **Subtitle C—Special Supplemental Nutrition Program for Women, Infants, and Children**

#### **SEC. 231. SUPPORT FOR BREASTFEEDING IN THE WIC PROGRAM.**

Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended—

(1) in subsection (a), in the second sentence, by striking “supplemental foods and nutrition education through any eligible local agency” and inserting “supplemental foods and nutrition education, including breastfeeding promotion and support, through any eligible local agency”;

(2) in subsection (b)(4), by inserting “breastfeeding support and promotion,” after “nutrition education.”;

(3) in subsection (c)(1), in the first sentence, by striking “supplemental foods and nutrition education to” and inserting “supplemental foods, nutrition education, and breastfeeding support and promotion to”;

(4) in subsection (e)(2), in the second sentence, by inserting “, including breastfeeding support and education,” after “nutrition education”;

(5) in subsection (f)(6)(B), in the first sentence, by inserting “and breastfeeding” after “nutrition education”;

(6) in subsection (h)—

(A) in paragraph (4)—

(i) by striking “(4) The Secretary” and all that follows through “(A) in consultation” and inserting the following:

“(4) **REQUIREMENTS.**—

“(A) **IN GENERAL.**—The Secretary shall—

“(i) in consultation”;

(ii) by redesignating subparagraphs (B) through (F) as clauses (ii) through (vi), respectively, and indenting appropriately;

(iii) in clause (v) (as so redesignated), by striking “and” at the end;

(iv) in clause (vi) (as so redesignated), by striking “2010 initiative.” and inserting “initiative; and”;

(v) by adding at the end the following:

“(vii) annually compile and publish breastfeeding performance measurements based on program participant data on the number of partially and fully breast-fed infants, including breastfeeding performance measurements for—

“(I) each State agency; and

“(II) each local agency;

“(viii) in accordance with subparagraph (B), implement a program to recognize exemplary breastfeeding support practices at local agencies or clinics participating in the special supplemental nutrition program established under this section; and

“(ix) in accordance with subparagraph (C), implement a program to provide performance bonuses to State agencies.

“(B) EXEMPLARY BREASTFEEDING SUPPORT PRACTICES.—

“(i) IN GENERAL.—In evaluating exemplary practices under subparagraph (A)(viii), the Secretary shall consider—

“(I) performance measurements of breastfeeding; and

“(II) the effectiveness of a peer counselor program; and

“(III) the extent to which the agency or clinic has partnered with other entities to build a supportive breastfeeding environment for women participating in the program; and

“(IV) such other criteria as the Secretary considers appropriate after consultation with State and local program agencies.

“(ii) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the activities described in clause (viii) of subparagraph (A) such sums as are necessary.

“(C) PERFORMANCE BONUSES.—

“(i) IN GENERAL.—Following the publication of breastfeeding performance measurements under subparagraph (A)(vii), the Secretary shall provide performance bonus payments to not more than 15 State agencies that demonstrate, as compared to other State agencies participating in the program—

“(I) the highest proportion of breast-fed infants; or

“(II) the greatest improvement in proportion of breast-fed infants.

“(ii) CONSIDERATION.—In providing performance bonus payments to State agencies under this subparagraph, the Secretary shall consider the proportion of fully breast-fed infants in the States.

“(iii) USE OF FUNDS.—A State agency that receives a performance bonus under clause (i)—

“(I) shall treat the funds as program income; and

“(II) may transfer the funds to local agencies for use in carrying out the program.

“(iv) IMPLEMENTATION.—The Secretary shall provide the first performance bonuses not later than 1 year after the date of enactment of this clause and may subsequently revise the criteria for awarding performance bonuses; and”;

(B) by striking paragraph (10) and inserting the following:

“(10) FUNDS FOR INFRASTRUCTURE, MANAGEMENT INFORMATION SYSTEMS, AND SPECIAL NUTRITION EDUCATION.—

“(A) IN GENERAL.—For each of fiscal years 2010 through 2015, the Secretary shall use for the purposes specified in subparagraph (B) \$139,000,000 (as adjusted annually for inflation by the same factor used to determine the national average per participant grant for nutrition services and administration for the fiscal year under paragraph (1)(B)).

“(B) PURPOSES.—Subject to subparagraph (C), of the amount made available under subparagraph (A) for a fiscal year—

“(i) \$14,000,000 shall be used for—

“(I) infrastructure for the program under this section; and

“(II) special projects to promote breastfeeding, including projects to assess the effectiveness of particular breastfeeding promotion strategies; and

“(III) special State projects of regional or national significance to improve the services of the program;

“(ii) \$35,000,000 shall be used to establish, improve, or administer management information systems for the program, including changes necessary to meet new legislative or regulatory requirements of the program, of which up to \$5,000,000 may be used for Federal administrative costs; and

“(iii) \$90,000,000 shall be used for special nutrition education (such as breastfeeding peer counselors and other related activities), of which not more than \$10,000,000 of any funding provided in excess of \$50,000,000 shall be used to make performance bonus payments under paragraph (4)(C).

“(C) ADJUSTMENT.—Each of the amounts referred to in clauses (i), (ii), and (iii) of subparagraph (B) shall be adjusted annually for inflation by the same factor used to determine the national average per participant grant for nutrition services and administration for the fiscal year under paragraph (1)(B).

“(D) PROPORTIONAL DISTRIBUTION.—The Secretary shall distribute funds made available under subparagraph (A) in accordance with the proportional distribution described in subparagraphs (B) and (C).”;

(7) in subsection (j), by striking “supplemental foods and nutrition education” each place it appears in paragraphs (1) and (2) and inserting “supplemental foods, nutrition education, and breastfeeding support and promotion”.

#### SEC. 232. REVIEW OF AVAILABLE SUPPLEMENTAL FOODS.

Section 17(f)(11)(D) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)(11)(D)) is amended in the matter preceding clause (i) by inserting “but not less than every 10 years,” after “scientific knowledge.”

#### Subtitle D—Miscellaneous

#### SEC. 241. NUTRITION EDUCATION AND OBESITY PREVENTION GRANT PROGRAM.

(a) IN GENERAL.—The Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) is amended by adding at the end the following:

#### “SEC. 28. NUTRITION EDUCATION AND OBESITY PREVENTION GRANT PROGRAM.

“(a) DEFINITION OF ELIGIBLE INDIVIDUAL.—In this section, the term ‘eligible individual’ means an individual who is eligible to receive benefits under a nutrition education and obesity prevention program under this section as a result of being—

“(1) an individual eligible for benefits under—

“(A) this Act;

“(B) sections 9(b)(1)(A) and 17(c)(4) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(1)(A), 1766(c)(4)); or

“(C) section 4(e)(1)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(e)(1)(A));

“(2) an individual who resides in a community with a significant low-income population, as determined by the Secretary; or

“(3) such other low-income individual as is determined to be eligible by the Secretary.

“(b) PROGRAMS.—Consistent with the terms and conditions of grants awarded under this section, State agencies may implement a nutrition education and obesity prevention program for eligible individuals that promotes healthy food choices consistent with the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341).

“(c) DELIVERY OF NUTRITION EDUCATION AND OBESITY PREVENTION SERVICES.—

“(1) IN GENERAL.—State agencies may deliver nutrition education and obesity prevention services under a program described in subsection (b)—

“(A) directly to eligible individuals; or

“(B) through agreements with other State or local agencies or community organizations.

“(2) NUTRITION EDUCATION STATE PLANS.—

“(A) IN GENERAL.—A State agency that elects to provide nutrition education and obesity prevention services under this subsection shall submit to the Secretary for approval a nutrition education State plan.

“(B) REQUIREMENTS.—Except as provided in subparagraph (C), a nutrition education State plan shall—

“(i) identify the uses of the funding for local projects; and

“(ii) ensure that the interventions are appropriate for eligible individuals who are members of low-income populations by recognizing the constrained resources, and the potential eligibility for Federal food assistance programs, of members of those populations; and

“(iii) conform to standards established by the Secretary through regulations, guidance, or grant award documents.

“(C) TRANSITION PERIOD.—During each of fiscal years 2011 and 2012, a nutrition education State plan under this section shall be consistent with the requirements of section 11(f) (as that section, other than paragraph (3)(C), existed on the day before the date of enactment of this section).

“(3) USE OF FUNDS.—

“(A) IN GENERAL.—A State agency may use funds provided under this section for any evidence-based allowable use of funds identified by the Administrator of the Food and Nutrition Service of the Department of Agriculture in consultation with the Director of the Centers for Disease Control and Prevention of the Department of Health and Human Services, including—

“(i) individual and group-based nutrition education, health promotion, and intervention strategies; and

“(ii) comprehensive, multilevel interventions at multiple complementary organizational and institutional levels; and

“(iii) community and public health approaches to improve nutrition.

“(B) CONSULTATION.—In identifying allowable uses of funds under subparagraph (A) and in seeking to strengthen delivery, oversight, and evaluation of nutrition education, the Administrator of the Food and Nutrition Service shall consult with the Director of the Centers for Disease Control and Prevention and outside stakeholders and experts, including—

“(i) representatives of the academic and research communities; and

“(ii) nutrition education practitioners;

“(iii) representatives of State and local governments; and

“(iv) community organizations that serve low-income populations.

“(4) NOTIFICATION.—To the maximum extent practicable, State agencies shall notify applicants, participants, and eligible individuals under this Act of the availability of nutrition education and obesity prevention services under this section in local communities.

“(5) COORDINATION.—Subject to the approval of the Secretary, projects carried out with funds received under this section may be coordinated with other health promotion or nutrition improvement strategies, whether public or privately funded, if the projects carried out with funds received under this section remain under the administrative control of the State agency.

“(d) FUNDING.—

“(1) IN GENERAL.—Of funds made available each fiscal year under section 18(a)(1), the Secretary shall reserve for allocation to State agencies to carry out the nutrition education and obesity prevention grant program under this section, to remain available for obligation for a period of 2 fiscal years—

“(A) for fiscal year 2011, \$375,000,000; and

“(B) for fiscal year 2012 and each subsequent fiscal year, the applicable amount during the preceding fiscal year, as adjusted to reflect any increases for the 12-month period ending the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

“(2) ALLOCATION.—

“(A) INITIAL ALLOCATION.—Of the funds set aside under paragraph (1), as determined by the Secretary—

“(i) for each of fiscal years 2011 through 2013, 100 percent shall be allocated to State agencies in direct proportion to the amount of funding that the State received for carrying out section 11(f) (as that section existed on the day before the date of enactment of this section) during fiscal year 2009, as reported to the Secretary as of February 2010; and

“(ii) subject to a reallocation under subparagraph (B)—

“(I) for fiscal year 2014—

“(aa) 90 percent shall be allocated to State agencies in accordance with clause (i); and

“(bb) 10 percent shall be allocated to State agencies based on the respective share of each State of the number of individuals participating in the supplemental nutrition assistance program during the 12-month period ending the preceding January 31;

“(II) for fiscal year 2015—

“(aa) 80 percent shall be allocated to State agencies in accordance with clause (i); and

“(bb) 20 percent shall be allocated in accordance with subclause (I)(bb);

“(III) for fiscal year 2016—

“(aa) 70 percent shall be allocated to State agencies in accordance with clause (i); and

“(bb) 30 percent shall be allocated in accordance with subclause (I)(bb);

“(IV) for fiscal year 2017—

“(aa) 60 percent shall be allocated to State agencies in accordance with clause (i); and

“(bb) 40 percent shall be allocated in accordance with subclause (I)(bb); and

“(V) for fiscal year 2018 and each fiscal year thereafter—

“(aa) 50 percent shall be allocated to State agencies in accordance with clause (i); and

“(bb) 50 percent shall be allocated in accordance with subclause (I)(bb).

“(B) REALLOCATION.—

“(i) IN GENERAL.—If the Secretary determines that a State agency will not expend all of the funds allocated to the State agency for a fiscal year under paragraph (1) or in the case of a State agency that elects not to receive the entire amount of funds allocated to the State agency for a fiscal year, the Secretary shall reallocate the unexpended funds to other States during the fiscal year or the subsequent fiscal year (as determined by the Secretary) that have approved State plans under which the State agencies may expend the reallocated funds.

“(ii) EFFECT OF ADDITIONAL FUNDS.—

“(I) FUNDS RECEIVED.—Any reallocated funds received by a State agency under clause (i) for a fiscal year shall be considered to be part of the fiscal year 2009 base allocation of funds to the State agency for that fiscal year for purposes of determining allocation under subparagraph (A) for the subsequent fiscal year.

“(II) FUNDS SURRENDERED.—Any funds surrendered by a State agency under clause (i) shall not be considered to be part of the fiscal year 2009 base allocation of funds to a State agency for that fiscal year for purposes of determining allocation under subparagraph (A) for the subsequent fiscal year.

“(3) LIMITATION ON FEDERAL FINANCIAL PARTICIPATION.—

“(A) IN GENERAL.—Grants awarded under this section shall be the only source of Fed-

eral financial participation under this Act in nutrition education and obesity prevention.

“(B) EXCLUSION.—Any costs of nutrition education and obesity prevention in excess of the grants authorized under this section shall not be eligible for reimbursement under section 16(a).

“(e) IMPLEMENTATION.—Not later than January 1, 2012, the Secretary shall publish in the Federal Register a description of the requirements for the receipt of a grant under this section.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 4(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013(a)) is amended in the first sentence by striking “and, through an approved State plan, nutrition education”.

(2) Section 11 of the Food and Nutrition Act of 2008 (7 U.S.C. 2020) is amended by striking subsection (f).

#### SEC. 242. PROCUREMENT AND PROCESSING OF FOOD SERVICE PRODUCTS AND COMMODITIES.

Section 9(a)(4) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(a)(4)) is amended by adding at the end the following:

“(C) PROCUREMENT AND PROCESSING OF FOOD SERVICE PRODUCTS AND COMMODITIES.—The Secretary shall—

“(i) identify, develop, and disseminate to State departments of agriculture and education, school food authorities, local educational agencies, and local processing entities, model product specifications and practices for foods offered in school nutrition programs under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) to ensure that the foods reflect the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341);

“(ii) not later than 1 year after the date of enactment of this subparagraph—

“(I) carry out a study to analyze the quantity and quality of nutritional information available to school food authorities about food service products and commodities; and

“(II) submit to Congress a report on the results of the study that contains such legislative recommendations as the Secretary considers necessary to ensure that school food authorities have access to the nutritional information needed for menu planning and compliance assessments; and

“(iii) to the maximum extent practicable, in purchasing and processing commodities for use in school nutrition programs under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), purchase the widest variety of healthful foods that reflect the most recent Dietary Guidelines for Americans.”.

#### SEC. 243. ACCESS TO LOCAL FOODS: FARM TO SCHOOL PROGRAM.

Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended—

(1) by redesignating subsections (h) and (i) and subsection (j) (as added by section 210) as subsections (i) through (k), respectively;

(2) in subsection (g), by striking “(g) ACCESS TO LOCAL FOODS AND SCHOOL GARDENS.” and all that follows through “(3) PILOT PROGRAM FOR HIGH-POVERTY SCHOOLS.” and inserting the following:

“(g) ACCESS TO LOCAL FOODS: FARM TO SCHOOL PROGRAM.—

“(1) DEFINITION OF ELIGIBLE SCHOOL.—In this subsection, the term ‘eligible school’ means a school or institution that participates in a program under this Act or the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).

“(2) PROGRAM.—The Secretary shall carry out a program to assist eligible schools, State and local agencies, Indian tribal organizations, agricultural producers or groups of agricultural producers, and nonprofit entities through grants and technical assistance to implement farm to school programs that improve access to local foods in eligible schools.

“(3) GRANTS.—

“(A) IN GENERAL.—The Secretary shall award competitive grants under this subsection to be used for—

“(i) training;

“(ii) supporting operations;

“(iii) planning;

“(iv) purchasing equipment;

“(v) developing school gardens;

“(vi) developing partnerships; and

“(vii) implementing farm to school programs.

“(B) REGIONAL BALANCE.—In making awards under this subsection, the Secretary shall, to the maximum extent practicable, ensure—

“(i) geographical diversity; and

“(ii) equitable treatment of urban, rural, and tribal communities.

“(C) MAXIMUM AMOUNT.—The total amount provided to a grant recipient under this subsection shall not exceed \$100,000.

“(4) FEDERAL SHARE.—

“(A) IN GENERAL.—The Federal share of costs for a project funded through a grant awarded under this subsection shall not exceed 75 percent of the total cost of the project.

“(B) FEDERAL MATCHING.—As a condition of receiving a grant under this subsection, a grant recipient shall provide matching support in the form of cash or in-kind contributions, including facilities, equipment, or services provided by State and local governments, nonprofit organizations, and private sources.

“(5) CRITERIA FOR SELECTION.—To the maximum extent practicable, in providing assistance under this subsection, the Secretary shall give the highest priority to funding projects that, as determined by the Secretary—

“(A) make local food products available on the menu of the eligible school;

“(B) serve a high proportion of children who are eligible for free or reduced price lunches;

“(C) incorporate experiential nutrition education activities in curriculum planning that encourage the participation of school children in farm and garden-based agricultural education activities;

“(D) demonstrate collaboration between eligible schools, nongovernmental and community-based organizations, agricultural producer groups, and other community partners;

“(E) include adequate and participatory evaluation plans;

“(F) demonstrate the potential for long-term program sustainability; and

“(G) meet any other criteria that the Secretary determines appropriate.

“(6) EVALUATION.—As a condition of receiving a grant under this subsection, each grant recipient shall agree to cooperate in an evaluation by the Secretary of the program carried out using grant funds.

“(7) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance and information to assist eligible schools, State and local agencies, Indian tribal organizations, and nonprofit entities—

“(A) to facilitate the coordination and sharing of information and resources in the Department that may be applicable to the farm to school program;

“(B) to collect and share information on best practices; and

“(C) to disseminate research and data on existing farm to school programs and the potential for programs in underserved areas.

“(8) FUNDING.—

“(A) IN GENERAL.—On October 1, 2012, and each October 1 thereafter, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this subsection \$5,000,000, to remain available until expended.

“(B) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under subparagraph (A), without further appropriation.

“(9) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts made available under paragraph (8), there are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2011 through 2015.

“(h) PILOT PROGRAM FOR HIGH-POVERTY SCHOOLS.—

“(1) IN GENERAL.—”; and

(3) in subsection (h) (as redesignated by paragraph (2))—

(A) in subparagraph (F) of paragraph (1) (as so redesignated), by striking “in accordance with paragraph (1)(H)” and inserting “carried out by the Secretary”;;

(B) by redesignating paragraph (4) as paragraph (2); and

(C) in paragraph (2) (as so redesignated), by striking “2009” and inserting “2015”.

#### SEC. 244. RESEARCH ON STRATEGIES TO PROMOTE THE SELECTION AND CONSUMPTION OF HEALTHY FOODS.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Health and Human Services, shall establish a research, demonstration, and technical assistance program to promote healthy eating and reduce the prevalence of obesity, among all population groups but especially among children, by applying the principles and insights of behavioral economics research in schools, child care programs, and other settings.

(b) PRIORITIES.—The Secretary shall—

(1) identify and assess the impacts of specific presentation, placement, and other strategies for structuring choices on selection and consumption of healthful foods in a variety of settings, consistent with the most recent version of the Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341);

(2) demonstrate and rigorously evaluate behavioral economics-related interventions that hold promise to improve diets and promote health, including through demonstration projects that may include evaluation of the use of portion size, labeling, convenience, and other strategies to encourage healthy choices; and

(3) encourage adoption of the most effective strategies through outreach and technical assistance.

(c) AUTHORITY.—In carrying out the program under subsection (a), the Secretary may—

(1) enter into competitively awarded contracts or cooperative agreements; or

(2) provide grants to States or public or private agencies or organizations, as determined by the Secretary.

(d) APPLICATION.—To be eligible to enter into a contract or cooperative agreement or receive a grant under this section, a State or public or private agency or organization shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(e) COORDINATION.—The solicitation and evaluation of contracts, cooperative agreements, and grant proposals considered under

this section shall be coordinated with the Food and Nutrition Service as appropriate to ensure that funded projects are consistent with the operations of Federally supported nutrition assistance programs and related laws (including regulations).

(f) ANNUAL REPORTS.—Not later than 90 days after the end of each fiscal year, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that includes a description of—

(1) the policies, priorities, and operations of the program carried out by the Secretary under this section during the fiscal year;

(2) the results of any evaluations completed during the fiscal year; and

(3) the efforts undertaken to disseminate successful practices through outreach and technical assistance.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2011 through 2015.

(2) USE OF FUNDS.—The Secretary may use up to 5 percent of the funds made available under paragraph (1) for Federal administrative expenses incurred in carrying out this section.

### TITLE III—IMPROVING THE MANAGEMENT AND INTEGRITY OF CHILD NUTRITION PROGRAMS

#### Subtitle A—National School Lunch Program

##### SEC. 301. PRIVACY PROTECTION.

Section 9(d)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(d)(1)) is amended—

(1) in the first sentence, by inserting “the last 4 digits of” before “the social security account number”; and

(2) by striking the second sentence.

##### SEC. 302. APPLICABILITY OF FOOD SAFETY PROGRAM ON ENTIRE SCHOOL CAMPUS.

Section 9(h)(5) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(h)(5)) is amended—

(1) by striking “Each school food” and inserting the following:

“(A) IN GENERAL.—Each school food”; and

(2) by adding at the end the following:

“(B) APPLICABILITY.—Subparagraph (A) shall apply to any facility or part of a facility in which food is stored, prepared, or served for the purposes of the school nutrition programs under this Act or section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).”.

##### SEC. 303. FINES FOR VIOLATING PROGRAM REQUIREMENTS.

Section 22 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769c) is amended by adding at the end the following:

“(e) FINES FOR VIOLATING PROGRAM REQUIREMENTS.—

“(1) SCHOOL FOOD AUTHORITIES AND SCHOOLS.—

“(A) IN GENERAL.—The Secretary shall establish criteria by which the Secretary or a State agency may impose a fine against any school food authority or school administering a program authorized under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) if the Secretary or the State agency determines that the school food authority or school has—

“(i) failed to correct severe mismanagement of the program;

“(ii) disregarded a program requirement of which the school food authority or school had been informed; or

“(iii) failed to correct repeated violations of program requirements.

“(B) LIMITS.—

“(i) IN GENERAL.—In calculating the fine for a school food authority or school, the

Secretary shall base the amount of the fine on the reimbursement earned by school food authority or school for the program in which the violation occurred.

“(ii) AMOUNT.—The amount under clause (i) shall not exceed—

“(I) 1 percent of the amount of meal reimbursements earned for the fiscal year for the first finding of 1 or more program violations under subparagraph (A);

“(II) 5 percent of the amount of meal reimbursements earned for the fiscal year for the second finding of 1 or more program violations under subparagraph (A); and

“(III) 10 percent of the amount of meal reimbursements earned for the fiscal year for the third or subsequent finding of 1 or more program violations under subparagraph (A).

“(2) STATE AGENCIES.—

“(A) IN GENERAL.—The Secretary shall establish criteria by which the Secretary may impose a fine against any State agency administering a program authorized under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) if the Secretary determines that the State agency has—

“(i) failed to correct severe mismanagement of the program;

“(ii) disregarded a program requirement of which the State had been informed; or

“(iii) failed to correct repeated violations of program requirements.

“(B) LIMITS.—In the case of a State agency, the amount of a fine under subparagraph (A) shall not exceed—

“(i) 1 percent of funds made available under section 7(a) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(a)) for State administrative expenses during a fiscal year for the first finding of 1 or more program violations under subparagraph (A);

“(ii) 5 percent of funds made available under section 7(a) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(a)) for State administrative expenses during a fiscal year for the second finding of 1 or more program violations under subparagraph (A); and

“(iii) 10 percent of funds made available under section 7(a) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(a)) for State administrative expenses during a fiscal year for the third or subsequent finding of 1 or more program violations under subparagraph (A).

“(3) SOURCE OF FUNDING.—Funds to pay a fine imposed under paragraph (1) or (2) shall be derived from non-Federal sources.”.

##### SEC. 304. INDEPENDENT REVIEW OF APPLICATIONS.

Section 22(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769c(b)) is amended by adding at the end the following:

“(6) ELIGIBILITY DETERMINATION REVIEW FOR SELECTED LOCAL EDUCATIONAL AGENCIES.—

“(A) IN GENERAL.—A local educational agency that has demonstrated a high level of, or a high risk for, administrative error associated with certification, verification, and other administrative processes, as determined by the Secretary, shall ensure that the initial eligibility determination for each application is reviewed for accuracy prior to notifying a household of the eligibility or ineligibility of the household for free or reduced price meals.

“(B) TIMELINESS.—The review of initial eligibility determinations—

“(i) shall be completed in a timely manner; and

“(ii) shall not result in the delay of an eligibility determination for more than 10 operating days after the date on which the application is submitted.

“(C) ACCEPTABLE TYPES OF REVIEW.—Subject to standards established by the Secretary, the system used to review eligibility determinations for accuracy shall be conducted by an individual or entity that did



not make the initial eligibility determination.

“(D) NOTIFICATION OF HOUSEHOLD.—Once the review of an eligibility determination has been completed under this paragraph, the household shall be notified immediately of the determination of eligibility or ineligibility for free or reduced price meals.

“(E) REPORTING.—

“(i) LOCAL EDUCATIONAL AGENCIES.—In accordance with procedures established by the Secretary, each local educational agency required to review initial eligibility determinations shall submit to the relevant State agency a report describing the results of the reviews, including—

“(I) the number and percentage of reviewed applications for which the eligibility determination was changed and the type of change made; and

“(II) such other information as the Secretary determines to be necessary.

“(ii) STATE AGENCIES.—In accordance with procedures established by the Secretary, each State agency shall submit to the Secretary a report describing the results of the reviews of initial eligibility determinations, including—

“(I) the number and percentage of reviewed applications for which the eligibility determination was changed and the type of change made; and

“(II) such other information as the Secretary determines to be necessary.

“(iii) TRANSPARENCY.—The Secretary shall publish annually the results of the reviews of initial eligibility determinations by State, number, percentage, and type of error.”.

#### SEC. 305. PROGRAM EVALUATION.

Section 28 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769i) is amended by adding at the end the following:

“(c) COOPERATION WITH PROGRAM RESEARCH AND EVALUATION.—States, State educational agencies, local educational agencies, schools, institutions, facilities, and contractors participating in programs authorized under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) shall cooperate with officials and contractors acting on behalf of the Secretary, in the conduct of evaluations and studies under those Acts.”.

#### SEC. 306. PROFESSIONAL STANDARDS FOR SCHOOL FOOD SERVICE.

Section 7 of the Child Nutrition Act of 1966 (42 U.S.C. 1776) is amended by striking subsection (g) and inserting the following:

“(g) PROFESSIONAL STANDARDS FOR SCHOOL FOOD SERVICE.—

“(1) CRITERIA FOR SCHOOL FOOD SERVICE AND STATE AGENCY DIRECTORS.—

“(A) SCHOOL FOOD SERVICE DIRECTORS.—

“(i) IN GENERAL.—The Secretary shall establish a program of required education, training, and certification for all school food service directors responsible for the management of a school food authority.

“(ii) REQUIREMENTS.—The program shall include—

“(I) minimum educational requirements necessary to successfully manage the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the school breakfast program established by section 4 of this Act;

“(II) minimum program training and certification criteria for school food service directors; and

“(III) minimum periodic training criteria to maintain school food service director certification.

“(B) SCHOOL NUTRITION STATE AGENCY DIRECTORS.—The Secretary shall establish criteria and standards for States to use in the selection of State agency directors with responsibility for the school lunch program established under the Richard B. Russell Na-

tional School Lunch Act (42 U.S.C. 1751 et seq.) and the school breakfast program established by section 4 of this Act.

“(C) TRAINING PROGRAM PARTNERSHIP.—The Secretary may provide financial and other assistance to 1 or more professional food service management organizations—

“(i) to establish and manage the program under this paragraph; and

“(ii) to develop voluntary training and certification programs for other school food service workers.

“(D) REQUIRED DATE OF COMPLIANCE.—

“(i) SCHOOL FOOD SERVICE DIRECTORS.—The Secretary shall establish a date by which all school food service directors whose local educational agencies are participating in the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the school breakfast program established by section 4 of this Act shall be required to comply with the education, training, and certification criteria established in accordance with subparagraph (A).

“(ii) SCHOOL NUTRITION STATE AGENCY DIRECTORS.—The Secretary shall establish a date by which all State agencies shall be required to comply with criteria and standards established in accordance with subparagraph (B) for the selection of State agency directors with responsibility for the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the school breakfast program established by section 4 of this Act.

“(2) TRAINING AND CERTIFICATION OF FOOD SERVICE PERSONNEL.—

“(A) TRAINING FOR INDIVIDUALS CONDUCTING OR OVERSEEING ADMINISTRATIVE PROCEDURES.—

“(i) IN GENERAL.—At least annually, each State shall provide training in administrative practices (including training in application, certification, verification, meal counting, and meal claiming procedures) to local educational agency and school food authority personnel and other appropriate personnel.

“(ii) FEDERAL ROLE.—The Secretary shall—

“(I) provide training and technical assistance described in clause (i) to the State; or

“(II) at the option of the Secretary, directly provide training and technical assistance described in clause (i).

“(iii) REQUIRED PARTICIPATION.—In accordance with procedures established by the Secretary, each local educational agency or school food authority shall ensure that an individual conducting or overseeing administrative procedures described in clause (i) receives training at least annually, unless determined otherwise by the Secretary.

“(B) TRAINING AND CERTIFICATION OF ALL LOCAL FOOD SERVICE PERSONNEL.—

“(i) IN GENERAL.—The Secretary shall provide training designed to improve—

“(I) the accuracy of approvals for free and reduced price meals; and

“(II) the identification of reimbursable meals at the point of service.

“(ii) CERTIFICATION OF LOCAL PERSONNEL.—In accordance with criteria established by the Secretary, local food service personnel shall complete annual training and receive annual certification—

“(I) to ensure program compliance and integrity; and

“(II) to demonstrate competence in the training provided under clause (i).

“(iii) TRAINING MODULES.—In addition to the topics described in clause (i), a training program carried out under this subparagraph shall include training modules on—

“(I) nutrition;

“(II) health and food safety standards and methodologies; and

“(III) any other appropriate topics, as determined by the Secretary.

“(3) FUNDING.—

“(A) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this subsection, to remain available until expended—

“(i) on October 1, 2010, \$5,000,000; and

“(ii) on each October 1 thereafter, \$1,000,000.

“(B) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under subparagraph (A), without further appropriation.”.

#### SEC. 307. INDIRECT COSTS.

(a) GUIDANCE ON INDIRECT COSTS RULES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall issue guidance to school food authorities participating in the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) covering program rules pertaining to indirect costs, including allowable indirect costs that may be charged to the nonprofit school food service account.

(b) INDIRECT COST STUDY.—The Secretary shall—

(1) conduct a study to assess the extent to which school food authorities participating in the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) pay indirect costs, including assessments of—

(A) the allocation of indirect costs to, and the methodologies used to establish indirect cost rates for, school food authorities participating in the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773);

(B) the impact of indirect costs charged to the nonprofit school food service account;

(C) the types and amounts of indirect costs charged and recovered by school districts;

(D) whether the indirect costs charged or recovered are consistent with requirements for the allocation of indirect costs and school food service operations; and

(E) the types and amounts of indirect costs that could be charged or recovered under requirements for the allocation of indirect costs and school food service operations but are not charged or recovered; and

(2) after completing the study required under paragraph (1), issue additional guidance relating to the types of costs that are reasonable and necessary to provide meals under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

(c) REGULATIONS.—After conducting the study under subsection (b)(1) and identifying costs under subsection (b)(2), the Secretary may promulgate regulations to address—

(1) any identified deficiencies in the allocation of indirect costs; and

(2) the authority of school food authorities to reimburse only those costs identified by the Secretary as reasonable and necessary under subsection (b)(2).

(d) REPORT.—Not later than October 1, 2013, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study under subsection (b).



(e) FUNDING.—

(1) IN GENERAL.—On October 1, 2010, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section \$2,000,000, to remain available until expended.

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

#### SEC. 308. ENSURING SAFETY OF SCHOOL MEALS.

The Richard B. Russell National School Lunch Act is amended by after section 28 (42 U.S.C. 1769i) the following:

#### “SEC. 29. ENSURING SAFETY OF SCHOOL MEALS.

“(a) FOOD AND NUTRITION SERVICE.—Not later than 1 year after the date of enactment of the Healthy, Hunger-Free Kids Act of 2010, the Secretary, acting through the Administrator of the Food and Nutrition Service, shall—

“(1) in consultation with the Administrator of the Agricultural Marketing Service and the Administrator of the Farm Service Agency, develop guidelines to determine the circumstances under which it is appropriate for the Secretary to institute an administrative hold on suspect foods purchased by the Secretary that are being used in school meal programs under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

“(2) work with States to explore ways for the States to increase the timeliness of notification of food recalls to schools and school food authorities;

“(3) improve the timeliness and completeness of direct communication between the Food and Nutrition Service and States about holds and recalls, such as through the commodity alert system of the Food and Nutrition Service; and

“(4) establish a timeframe to improve the commodity hold and recall procedures of the Department of Agriculture to address the role of processors and determine the involvement of distributors with processed products that may contain recalled ingredients, to facilitate the provision of more timely and complete information to schools.

“(b) FOOD SAFETY AND INSPECTION SERVICE.—Not later than 1 year after the date of enactment of the Healthy, Hunger-Free Kids Act of 2010, the Secretary, acting through the Administrator of the Food Safety and Inspection Service, shall revise the procedures of the Food Safety and Inspection Service to ensure that schools are included in effectiveness checks.”.

#### Subtitle B—Summer Food Service Program

#### SEC. 321. SUMMER FOOD SERVICE PROGRAM PERMANENT OPERATING AGREEMENTS.

Section 13(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(b)) is amended by striking paragraph (3) and inserting the following:

“(3) PERMANENT OPERATING AGREEMENTS AND BUDGET FOR ADMINISTRATIVE COSTS.—

“(A) PERMANENT OPERATING AGREEMENTS.—

“(i) IN GENERAL.—Subject to clauses (ii) and (iii), to participate in the program, a service institution that meets the conditions of eligibility described in this section and in regulations promulgated by the Secretary, shall be required to enter into a permanent agreement with the applicable State agency.

“(ii) AMENDMENTS.—A permanent agreement described in clause (i) may be amended as necessary to ensure that the service institution is in compliance with all requirements established in this section or by the Secretary.

“(iii) TERMINATION.—A permanent agreement described in clause (i)—

“(I) may be terminated for convenience by the service institution and State agency that is a party to the permanent agreement; and

“(II) shall be terminated—

“(aa) for cause by the applicable State agency in accordance with subsection (q) and with regulations promulgated by the Secretary; or

“(bb) on termination of participation of the service institution in the program.

“(B) BUDGET FOR ADMINISTRATIVE COSTS.—

“(i) IN GENERAL.—When applying for participation in the program, and not less frequently than annually thereafter, each service institution shall submit a complete budget for administrative costs related to the program, which shall be subject to approval by the State.

“(ii) AMOUNT.—Payment to service institutions for administrative costs shall equal the levels determined by the Secretary pursuant to the study required in paragraph (4).”.

#### SEC. 322. SUMMER FOOD SERVICE PROGRAM DISQUALIFICATION.

Section 13 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761) is amended—

(1) by redesignating subsection (q) as subsection (r); and

(2) by inserting after subsection (p) the following:

“(q) TERMINATION AND DISQUALIFICATION OF PARTICIPATING ORGANIZATIONS.—

“(1) IN GENERAL.—Each State agency shall follow the procedures established by the Secretary for the termination of participation of institutions under the program.

“(2) FAIR HEARING.—The procedures described in paragraph (1) shall include provision for a fair hearing and prompt determination for any service institution aggrieved by any action of the State agency that affects—

“(A) the participation of the service institution in the program; or

“(B) the claim of the service institution for reimbursement under this section.

“(3) LIST OF DISQUALIFIED INSTITUTIONS AND INDIVIDUALS.—

“(A) IN GENERAL.—The Secretary shall maintain a list of service institutions and individuals that have been terminated or otherwise disqualified from participation in the program under the procedures established pursuant to paragraph (1).

“(B) AVAILABILITY.—The Secretary shall make the list available to States for use in approving or renewing applications by service institutions for participation in the program.”.

#### Subtitle C—Child and Adult Care Food Program

#### SEC. 331. RENEWAL OF APPLICATION MATERIALS AND PERMANENT OPERATING AGREEMENTS.

(a) PERMANENT OPERATING AGREEMENTS.—Section 17(d)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(d)(1)) is amended by adding at the end the following:

“(E) PERMANENT OPERATING AGREEMENTS.—

“(i) IN GENERAL.—Subject to clauses (ii) and (iii), to participate in the child and adult care food program, an institution that meets the conditions of eligibility described in this subsection shall be required to enter into a permanent agreement with the applicable State agency.

“(ii) AMENDMENTS.—A permanent agreement described in clause (i) may be amended as necessary to ensure that the institution is in compliance with all requirements established in this section or by the Secretary.

“(iii) TERMINATION.—A permanent agreement described in clause (i)—

“(I) may be terminated for convenience by the institution or State agency that is a party to the permanent agreement; and

“(II) shall be terminated—

“(aa) for cause by the applicable State agency in accordance with paragraph (5); or

“(bb) on termination of participation of the institution in the child and adult care food program.”.

(b) APPLICATIONS AND REVIEWS.—Section 17(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(d)) is amended by striking paragraph (2) and inserting the following:

“(2) PROGRAM APPLICATIONS.—

“(A) IN GENERAL.—The Secretary shall develop a policy under which each institution providing child care that participates in the program under this section shall—

“(i) submit to the State agency an initial application to participate in the program that meets all requirements established by the Secretary by regulation;

“(ii) annually confirm to the State agency that the institution, and any facilities of the institution in which the program is operated by a sponsoring organization, is in compliance with subsection (a)(5); and

“(iii) annually submit to the State agency any additional information necessary to confirm that the institution is in compliance with all other requirements to participate in the program, as established in this Act and by the Secretary by regulation.

“(B) REQUIRED REVIEWS OF SPONSORED FACILITIES.—

“(i) IN GENERAL.—The Secretary shall develop a policy under which each sponsoring organization participating in the program under this section shall conduct—

“(I) periodic unannounced site visits at not less than 3-year intervals to sponsored child and adult care centers and family or group day care homes to identify and prevent management deficiencies and fraud and abuse under the program; and

“(II) at least 1 scheduled site visit each year to sponsored child and adult care centers and family or group day care homes to identify and prevent management deficiencies and fraud and abuse under the program and to improve program operations.

“(ii) VARIED TIMING.—Sponsoring organizations shall vary the timing of unannounced reviews under clause (i)(I) in a manner that makes the reviews unpredictable to sponsored facilities.

“(C) REQUIRED REVIEWS OF INSTITUTIONS.—The Secretary shall develop a policy under which each State agency shall conduct—

“(i) at least 1 scheduled site visit at not less than 3-year intervals to each institution under the State agency participating in the program under this section—

“(I) to identify and prevent management deficiencies and fraud and abuse under the program; and

“(II) to improve program operations; and

“(ii) more frequent reviews of any institution that—

“(I) sponsors a significant share of the facilities participating in the program;

“(II) conducts activities other than the program authorized under this section;

“(III) has serious management problems, as identified in a prior review, or is at risk of having serious management problems; or

“(IV) meets such other criteria as are defined by the Secretary.

“(D) DETECTION AND DETERRENCE OF ERRONEOUS PAYMENTS AND FALSE CLAIMS.—

“(i) IN GENERAL.—The Secretary may develop a policy to detect and deter, and recover erroneous payments to, and false claims submitted by, institutions, sponsored child and adult care centers, and family or group day care homes participating in the program under this section.

“(ii) BLOCK CLAIMS.—

“(I) DEFINITION OF BLOCK CLAIM.—In this clause, the term ‘block claim’ has the meaning given the term in section 226.2 of title 7, Code of Federal Regulations (or successor regulations).”

“(II) PROGRAM EDIT CHECKS.—The Secretary may not require any State agency, sponsoring organization, or other institution to perform edit checks or on-site reviews relating to the detection of block claims by any child care facility.”

“(III) ALLOWANCE.—Notwithstanding subclause (II), the Secretary may require any State agency, sponsoring organization, or other institution to collect, store, and transmit to the appropriate entity information necessary to develop any other policy developed under clause (i).”

(c) AGREEMENTS.—Section 17(j)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(j)(1)) is amended—

(1) by striking “may” and inserting “shall”;

(2) by striking “family or group day care” the first place it appears; and

(3) by inserting “or sponsored day care centers” before “participating”.

#### SEC. 332. STATE LIABILITY FOR PAYMENTS TO AGGRIEVED CHILD CARE INSTITUTIONS.

Section 17(e) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(e)) is amended—

(1) in paragraph (3), by striking “(3) If a State” and inserting the following:

“(5) SECRETARIAL HEARING.—If a State”;

and

(2) by striking “(e) Except as provided” and all that follows through “(2) A State” and inserting the following:

“(e) HEARINGS.—

“(1) IN GENERAL.—Except as provided in paragraph (4), each State agency shall provide, in accordance with regulations promulgated by the Secretary, an opportunity for a fair hearing and a prompt determination to any institution aggrieved by any action of the State agency that affects—

“(A) the participation of the institution in the program authorized by this section; or

“(B) the claim of the institution for reimbursement under this section.

“(2) REIMBURSEMENT.—In accordance with paragraph (3), a State agency that fails to meet timeframes for providing an opportunity for a fair hearing and a prompt determination to any institution under paragraph (1) in accordance with regulations promulgated by the Secretary, shall pay, from non-Federal sources, all valid claims for reimbursement to the institution and the facilities of the institution during the period beginning on the day after the end of any regulatory deadline for providing the opportunity and making the determination and ending on the date on which a hearing determination is made.

“(3) NOTICE TO STATE AGENCY.—The Secretary shall provide written notice to a State agency at least 30 days prior to imposing any liability for reimbursement under paragraph (2).

“(4) FEDERAL AUDIT DETERMINATION.—A State”.

#### SEC. 333. TRANSMISSION OF INCOME INFORMATION BY SPONSORED FAMILY OR GROUP DAY CARE HOMES.

Section 17(f)(3)(A)(iii)(III) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(f)(3)(A)(iii)(III)) is amended by adding at the end the following:

“(dd) TRANSMISSION OF INCOME INFORMATION BY SPONSORED FAMILY OR GROUP DAY CARE HOMES.—If a family or group day care home elects to be provided reimbursement factors described in subclause (II), the family or group day care home may assist in the transmission of necessary household income infor-

mation to the family or group day care home sponsoring organization in accordance with the policy described in item (ee).

“(ee) POLICY.—The Secretary shall develop a policy under which a sponsored family or group day care home described in item (dd) may, under terms and conditions specified by the Secretary and with the written consent of the parents or guardians of a child in a family or group day care home participating in the program, assist in the transmission of the income information of the family to the family or group day care home sponsoring organization.”

#### SEC. 334. SIMPLIFYING AND ENHANCING ADMINISTRATIVE PAYMENTS TO SPONSORING ORGANIZATIONS.

Section 17(f)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(f)(3)) is amended by striking subparagraph (B) and inserting the following:

“(B) ADMINISTRATIVE FUNDS.—

“(i) IN GENERAL.—In addition to reimbursement factors described in subparagraph (A), a family or group day care home sponsoring organization shall receive reimbursement for the administrative expenses of the sponsoring organization in an amount that is not less than the product obtained each month by multiplying—

“(I) the number of family and group day care homes of the sponsoring organization submitting a claim for reimbursement during the month; by

“(II) the appropriate administrative rate determined by the Secretary.

“(ii) ANNUAL ADJUSTMENT.—The administrative reimbursement levels specified in clause (i) shall be adjusted July 1 of each year to reflect changes in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor for the most recent 12-month period for which such data are available.

“(iii) CARRYOVER FUNDS.—The Secretary shall develop procedures under which not more than 10 percent of the amount made available to sponsoring organizations under this section for administrative expenses for a fiscal year may remain available for obligation or expenditure in the succeeding fiscal year.”

#### SEC. 335. CHILD AND ADULT CARE FOOD PROGRAM AUDIT FUNDING.

Section 17(i) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(i)) is amended by striking paragraph (2) and inserting the following:

“(2) FUNDING.—

“(A) IN GENERAL.—The Secretary shall make available for each fiscal year to each State agency administering the child and adult care food program, for the purpose of conducting audits of participating institutions, an amount of up to 1.5 percent of the funds used by each State in the program under this section, during the second preceding fiscal year.

“(B) ADDITIONAL FUNDING.—

“(i) IN GENERAL.—Subject to clause (ii), for fiscal year 2016 and each fiscal year thereafter, the Secretary may increase the amount of funds made available to any State agency under subparagraph (A), if the State agency demonstrates that the State agency can effectively use the funds to improve program management under criteria established by the Secretary.

“(ii) LIMITATION.—The total amount of funds made available to any State agency under this paragraph shall not exceed 2 percent of the funds used by each State agency in the program under this section, during the second preceding fiscal year.”

#### SEC. 336. REDUCING PAPERWORK AND IMPROVING PROGRAM ADMINISTRATION.

(a) DEFINITION OF PROGRAM.—In this section, the term “program” means the child and adult care food program established under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766).

(b) ESTABLISHMENT.—The Secretary, in conjunction with States and participating institutions, shall continue to examine the feasibility of reducing unnecessary or duplicative paperwork resulting from regulations and recordkeeping requirements for State agencies, institutions, family and group day care homes, and sponsored centers participating in the program.

(c) DUTIES.—At a minimum, the examination shall include—

(1) review and evaluation of the recommendations, guidance, and regulatory priorities developed and issued to comply with section 119(i) of the Child Nutrition and WIC Reauthorization Act of 2004 (42 U.S.C. 1766 note; Public Law 108-265); and

(2) examination of additional paperwork and administrative requirements that have been established since February 23, 2007, that could be reduced or simplified.

(d) ADDITIONAL DUTIES.—The Secretary, in conjunction with States and institutions participating in the program, may also examine any aspect of administration of the program.

(e) REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the actions that have been taken to carry out this section, including—

(1) actions taken to address administrative and paperwork burdens identified as a result of compliance with section 119(i) of the Child Nutrition and WIC Reauthorization Act of 2004 (42 U.S.C. 1766 note; Public Law 108-265);

(2) administrative and paperwork burdens identified as a result of compliance with section 119(i) of that Act for which no regulatory action or policy guidance has been taken;

(3) additional steps that the Secretary is taking or plans to take to address any administrative and paperwork burdens identified under subsection (c)(2) and paragraph (2), including—

(A) new or updated regulations, policy, guidance, or technical assistance; and

(B) a timeframe for the completion of those steps; and

(4) recommendations to Congress for modifications to existing statutory authorities needed to address identified administrative and paperwork burdens.

#### SEC. 337. STUDY RELATING TO THE CHILD AND ADULT CARE FOOD PROGRAM.

(a) STUDY.—The Secretary, acting through the Administrator of the Food and Nutrition Service, shall carry out a study of States participating in an afterschool supper program under the child and adult care food program established under section 17(r) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(r)).

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress, and make available on the website of the Food and Nutrition Service, a report that describes—

(1) best practices of States in soliciting sponsors for an afterschool supper program described in subsection (a); and

(2) any Federal or State laws or requirements that may be a barrier to participation in the program.

#### Subtitle D—Special Supplemental Nutrition Program for Women, Infants, and Children

#### SEC. 351. SHARING OF MATERIALS WITH OTHER PROGRAMS.

Section 17(e)(3) of the Child Nutrition Act (42 U.S.C. 1766(e)(3)) is amended by striking

subparagraph (B) and inserting the following:

“(B) SHARING OF MATERIALS WITH OTHER PROGRAMS.—

“(i) COMMODITY SUPPLEMENTAL FOOD PROGRAM.—The Secretary may provide, in bulk quantity, nutrition education materials (including materials promoting breastfeeding) developed with funds made available for the program authorized under this section to State agencies administering the commodity supplemental food program established under section 5 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note; Public Law 93-86) at no cost to that program.

“(ii) CHILD AND ADULT CARE FOOD PROGRAM.—A State agency may allow the local agencies or clinics under the State agency to share nutrition educational materials with institutions participating in the child and adult care food program established under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) at no cost to that program, if a written materials sharing agreement exists between the relevant agencies.”.

#### SEC. 352. WIC PROGRAM MANAGEMENT.

(a) WIC EVALUATION FUNDS.—Section 17(g)(5) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(g)(5)) is amended by striking “\$5,000,000” and inserting “\$15,000,000”.

(b) WIC REBATE PAYMENTS.—Section 17(h)(8) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(8)) is amended by adding at the end the following:

“(K) REPORTING.—Effective beginning October 1, 2011, each State agency shall report rebate payments received from manufacturers in the month in which the payments are received, rather than in the month in which the payments were earned.”.

(c) COST CONTAINMENT MEASURE.—Section 17(h) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)) is amended—

(1) in paragraph (8)(A)(iv)(III), by striking “Any” and inserting “Except as provided in paragraph (9)(B)(i)(II), any”; and

(2) by striking paragraph (9) and inserting the following:

“(9) COST CONTAINMENT MEASURE.—

“(A) DEFINITION OF COST CONTAINMENT MEASURE.—In this subsection, the term ‘cost containment measure’ means a competitive bidding, rebate, direct distribution, or home delivery system implemented by a State agency as described in the approved State plan of operation and administration of the State agency.

“(B) SOLICITATION AND REBATE BILLING REQUIREMENTS.—Any State agency instituting a cost containment measure for any authorized food, including infant formula, shall—

“(i) in the bid solicitation—

“(I) identify the composition of State alliances for the purposes of a cost containment measure; and

“(II) verify that no additional States shall be added to the State alliance between the date of the bid solicitation and the end of the contract;

“(ii) have a system to ensure that rebate invoices under competitive bidding provide a reasonable estimate or an actual count of the number of units sold to participants in the program under this section;

“(iii) open and read aloud all bids at a public proceeding on the day on which the bids are due; and

“(iv) unless otherwise exempted by the Secretary, provide a minimum of 30 days between the publication of the solicitation and the date on which the bids are due.

“(C) STATE ALLIANCES FOR AUTHORIZED FOODS OTHER THAN INFANT FORMULA.—Program requirements relating to the size of State alliances under paragraph (8)(A)(iv)

shall apply to cost containment measures established for any authorized food under this section.”.

(d) ELECTRONIC BENEFIT TRANSFER.—Section 17(h) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)) is amended by striking paragraph (12) and inserting the following:

“(12) ELECTRONIC BENEFIT TRANSFER.—

“(A) DEFINITIONS.—In this paragraph:

“(i) ELECTRONIC BENEFIT TRANSFER.—The term ‘electronic benefit transfer’ means a food delivery system that provides benefits using a card or other access device approved by the Secretary that permits electronic access to program benefits.

“(ii) PROGRAM.—The term ‘program’ means the special supplemental nutrition program established by this section.

“(B) REQUIREMENTS.—

“(i) IN GENERAL.—Not later than October 1, 2020, each State agency shall be required to implement electronic benefit transfer systems throughout the State, unless the Secretary grants an exemption under subparagraph (C) for a State agency that is facing unusual barriers to implement an electronic benefit transfer system.

“(ii) RESPONSIBILITY.—The State agency shall be responsible for the coordination and management of the electronic benefit transfer system of the agency.

“(C) EXEMPTIONS.—

“(i) IN GENERAL.—To be eligible for an exemption from the statewide implementation requirements of subparagraph (B)(i), a State agency shall demonstrate to the satisfaction of the Secretary 1 or more of the following:

“(I) There are unusual technological barriers to implementation.

“(II) Operational costs are not affordable within the nutrition services and administration grant of the State agency.

“(III) It is in the best interest of the program to grant the exemption.

“(ii) SPECIFIC DATE.—A State agency requesting an exemption under clause (i) shall specify a date by which the State agency anticipates statewide implementation described in subparagraph (B)(i).

“(D) REPORTING.—

“(i) IN GENERAL.—Each State agency shall submit to the Secretary electronic benefit transfer project status reports to demonstrate the progress of the State toward statewide implementation.

“(ii) CONSULTATION.—If a State agency plans to incorporate additional programs in the electronic benefit transfer system of the State, the State agency shall consult with the State agency officials responsible for administering the programs prior to submitting the planning documents to the Secretary for approval.

“(iii) REQUIREMENTS.—At a minimum, a status report submitted under clause (i) shall contain—

“(I) an annual outline of the electronic benefit transfer implementation goals and objectives of the State;

“(II) appropriate updates in accordance with approval requirements for active electronic benefit transfer State agencies; and

“(III) such other information as the Secretary may require.

“(E) IMPOSITION OF COSTS ON VENDORS.—

“(i) COST PROHIBITION.—Except as otherwise provided in this paragraph, the Secretary may not impose, or allow a State agency to impose, the costs of any equipment or system required for electronic benefit transfers on any authorized vendor in order to transact electronic benefit transfers if the vendor equipment or system is used solely to support the program.

“(ii) COST-SHARING.—The Secretary shall establish criteria for cost-sharing by State agencies and vendors of costs associated with any equipment or system that is not solely

dedicated to transacting electronic benefit transfers for the program.

“(iii) FEES.—

“(I) IN GENERAL.—A vendor that elects to accept electronic benefit transfers using multifunction equipment shall pay commercial transaction processing costs and fees imposed by a third-party processor that the vendor elects to use to connect to the electronic benefit transfer system of the State.

“(II) INTERCHANGE FEES.—No interchange fees shall apply to electronic benefit transfer transactions under this paragraph.

“(iv) STATEWIDE OPERATIONS.—After completion of statewide expansion of a system for transaction of electronic benefit transfers—

“(I) a State agency may not be required to incur ongoing maintenance costs for vendors using multifunction systems and equipment to support electronic benefit transfers; and

“(II) any retail store in the State that applies for authorization to become a program vendor shall be required to demonstrate the capability to accept program benefits electronically prior to authorization, unless the State agency determines that the vendor is necessary for participant access.

“(F) MINIMUM LANE COVERAGE.—

“(i) IN GENERAL.—The Secretary shall establish minimum lane coverage guidelines for vendor equipment and systems used to support electronic benefit transfers.

“(ii) PROVISION OF EQUIPMENT.—If a vendor does not elect to accept electronic benefit transfers using its own multifunction equipment, the State agency shall provide such equipment as is necessary to solely support the program to meet the established minimum lane coverage guidelines.

“(G) TECHNICAL STANDARDS.—The Secretary shall—

“(i) establish technical standards and operating rules for electronic benefit transfer systems; and

“(ii) require each State agency, contractor, and authorized vendor participating in the program to demonstrate compliance with the technical standards and operating rules.”.

(e) UNIVERSAL PRODUCT CODES DATABASE.—Section 17(h) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)) is amended by striking paragraph (13) and inserting the following:

“(13) UNIVERSAL PRODUCT CODES DATABASE.—

“(A) IN GENERAL.—Not later than 2 years after the date of enactment of the Healthy, Hunger-Free Kids Act of 2010, the Secretary shall establish a national universal product code database to be used by all State agencies in carrying out the requirements of paragraph (12).

“(B) FUNDING.—

“(i) IN GENERAL.—On October 1, 2010, and on each October 1 thereafter, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this paragraph \$1,000,000, to remain available until expended.

“(ii) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this paragraph the funds transferred under clause (i), without further appropriation.

“(iii) USE OF FUNDS.—The Secretary shall use the funds provided under clause (i) for development, hosting, hardware and software configuration, and support of the database required under subparagraph (A).”.

(f) TEMPORARY SPENDING AUTHORITY.—Section 17(i) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(i)) is amended by adding at the end the following:

“(8) TEMPORARY SPENDING AUTHORITY.—During each of fiscal years 2012 and 2013, the Secretary may authorize a State agency to

expend more than the amount otherwise authorized under paragraph (3)(C) for expenses incurred under this section for supplemental foods during the preceding fiscal year, if the Secretary determines that—

“(A) there has been a significant reduction in reported infant formula cost containment savings for the preceding fiscal year due to the implementation of subsection (h)(8)(K); and

“(B) the reduction would affect the ability of the State agency to serve all eligible participants.”.

#### Subtitle E—Miscellaneous

##### SEC. 361. FULL USE OF FEDERAL FUNDS.

Section 12 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760) is amended by striking subsection (b) and inserting the following:

“(b) AGREEMENTS.—

“(1) IN GENERAL.—The Secretary shall incorporate, in the agreement of the Secretary with the State agencies administering programs authorized under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), the express requirements with respect to the operation of the programs to the extent applicable and such other provisions as in the opinion of the Secretary are reasonably necessary or appropriate to effectuate the purposes of this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

“(2) EXPECTATIONS FOR USE OF FUNDS.—Agreements described in paragraph (1) shall include a provision that—

“(A) supports full use of Federal funds provided to State agencies for the administration of programs authorized under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.); and

“(B) excludes the Federal funds from State budget restrictions or limitations including, at a minimum—

“(i) hiring freezes;

“(ii) work furloughs; and

“(iii) travel restrictions.”.

##### SEC. 362. DISQUALIFIED SCHOOLS, INSTITUTIONS, AND INDIVIDUALS.

Section 12 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760) (as amended by section 206) is amended by adding at the end the following:

“(r) DISQUALIFIED SCHOOLS, INSTITUTIONS, AND INDIVIDUALS.—Any school, institution, service institution, facility, or individual that has been terminated from any program authorized under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) and is on a list of disqualified institutions and individuals under section 13 or section 17(d)(5)(E) of this Act may not be approved to participate in or administer any program authorized under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).”.

#### TITLE IV—MISCELLANEOUS

##### Subtitle A—Reauthorization of Expiring Provisions

##### PART I—RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT

##### SEC. 401. COMMODITY SUPPORT.

Section 6(e)(1)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755(e)(1)(B)) is amended by striking “September 30, 2010” and inserting “September 30, 2020”.

##### SEC. 402. FOOD SAFETY AUDITS AND REPORTS BY STATES.

Section 9(h) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(h)) is amended—

(1) in paragraph (3), by striking “2006 through 2010” and inserting “2011 through 2015”; and

(2) in paragraph (4), by striking “2006 through 2010” and inserting “2011 through 2015”.

##### SEC. 403. PROCUREMENT TRAINING.

Section 12(m)(4) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(m)(4)) is amended by striking “2005 through 2009” and inserting “2010 through 2015”.

##### SEC. 404. AUTHORIZATION OF THE SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.

Subsection (r) of section 13 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761) (as redesignated by section 322(1)) is amended by striking “September 30, 2009” and inserting “September 30, 2015”.

##### SEC. 405. YEAR-ROUND SERVICES FOR ELIGIBLE ENTITIES.

Subsection (i)(5) of section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) (as redesignated by section 243(1)) is amended by striking “2005 through 2010” and inserting “2011 through 2015”.

##### SEC. 406. TRAINING, TECHNICAL ASSISTANCE, AND FOOD SERVICE MANAGEMENT INSTITUTE.

Section 21(e) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769b-1(e)) is amended—

(1) by striking “(e) AUTHORIZATION OF APPROPRIATIONS” and all that follows through the end of paragraph (2)(A) and inserting the following:

“(e) FOOD SERVICE MANAGEMENT INSTITUTE.—

“(1) FUNDING.—

“(A) IN GENERAL.—In addition to any amounts otherwise made available for fiscal year 2011, on October 1, 2010, and each October 1 thereafter, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out subsection (a)(2) \$5,000,000, to remain available until expended.

“(B) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out subsection (a)(2) the funds transferred under subparagraph (A), without further appropriation.”.

(2) by redesignating subparagraphs (B) and (C) as paragraphs (2) and (3), respectively, and indenting appropriately;

(3) in paragraph (2) (as so redesignated), by striking “subparagraph (A)” each place it appears and inserting “paragraph (1)”; and

(4) in paragraph (3) (as so redesignated), by striking “subparagraphs (A) and (B)” and inserting “paragraphs (1) and (2)”.

##### SEC. 407. FEDERAL ADMINISTRATIVE SUPPORT.

Section 21(g)(1)(A) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769b-1(g)(1)(A)) is amended—

(1) in clause (i), by striking “and” at the end;

(2) in clause (ii), by striking the period at the end and inserting “; and”

(3) and by adding at the end the following: “(iii) on October 1, 2010, and every October 1 thereafter, \$4,000,000.”.

##### SEC. 408. COMPLIANCE AND ACCOUNTABILITY.

Section 22(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769c(d)) is amended by striking “\$6,000,000 for each of fiscal years 2004 through 2009” and inserting “\$10,000,000 for each of fiscal years 2011 through 2015”.

##### SEC. 409. INFORMATION CLEARINGHOUSE.

Section 26(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769g(d)) is amended in the first sentence by striking “2005 through 2010” and inserting “2010 through 2015”.

#### PART II—CHILD NUTRITION ACT OF 1966

##### SEC. 421. TECHNOLOGY INFRASTRUCTURE IMPROVEMENT.

Section 7(i)(4) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(i)(4)) is amended by strik-

ing “2005 through 2009” and inserting “2010 through 2015”.

##### SEC. 422. STATE ADMINISTRATIVE EXPENSES.

Section 7(j) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(j)) is amended by striking “October 1, 2009” and inserting “October 1, 2015”.

##### SEC. 423. SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN.

Section 17(g)(1)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(g)(1)(A)) is amended by striking “each of fiscal years 2004 through 2009” and inserting “each of fiscal years 2010 through 2015”.

##### SEC. 424. FARMERS MARKET NUTRITION PROGRAM.

Section 17(m)(9) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)(9)) is amended by striking subparagraph (A) and inserting the following:

“(A) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2010 through 2015.”.

#### Subtitle B—Technical Amendments

##### SEC. 441. TECHNICAL AMENDMENTS.

(a) RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT.—

(1) NUTRITIONAL REQUIREMENTS.—Section 9(f) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(f)) is amended—

(A) by striking “(f)” and all that follows through the end of paragraph (1) and inserting the following:

“(f) NUTRITIONAL REQUIREMENTS.—

“(1) IN GENERAL.—Schools that are participating in the school lunch program or school breakfast program shall serve lunches and breakfasts that—

“(A) are consistent with the goals of the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341); and

“(B) consider the nutrient needs of children who may be at risk for inadequate food intake and food insecurity.”;

(B) by striking paragraph (2); and

(C) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively.

(2) ROUNDING RULES FOR COMPUTATION OF ADJUSTMENT.—Section 11(a)(3)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(3)(B)) is amended by striking “ROUNDING.—” and all that follows through “On July” in subclause (II) and inserting “ROUNDING.—On July”.

(3) INFORMATION AND ASSISTANCE CONCERNING REIMBURSEMENT OPTIONS.—Section 11 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a) is amended by striking subsection (f).

(4) 1995 REGULATIONS TO IMPLEMENT DIETARY GUIDELINES.—Section 12 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760) is amended by striking subsection (k).

(5) SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.—

(A) IN GENERAL.—Section 13 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761) is amended by striking the section heading and all that follows through the end of subsection (a)(1) and inserting the following:

“SEC. 13. SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.

“(a) IN GENERAL.—

“(1) DEFINITIONS.—In this section:

“(A) AREA IN WHICH POOR ECONOMIC CONDITIONS EXIST.—

“(i) IN GENERAL.—Subject to clause (ii), the term ‘area in which poor economic conditions exist’, as the term relates to an area in

which a program food service site is located, means—

“(I) the attendance area of a school in which at least 50 percent of the enrolled children have been determined eligible for free or reduced price school meals under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

“(II) a geographic area, as defined by the Secretary based on the most recent census data available, in which at least 50 percent of the children residing in that area are eligible for free or reduced price school meals under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

“(III) an area—

“(aa) for which the program food service site documents the eligibility of enrolled children through the collection of income eligibility statements from the families of enrolled children or other means; and

“(bb) at least 50 percent of the children enrolled at the program food service site meet the income standards for free or reduced price school meals under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

“(IV) a geographic area, as defined by the Secretary based on information provided from a department of welfare or zoning commission, in which at least 50 percent of the children residing in that area are eligible for free or reduced price school meals under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.); or

“(V) an area for which the program food service site demonstrates through other means approved by the Secretary that at least 50 percent of the children enrolled at the program food service site are eligible for free or reduced price school meals under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

“(ii) DURATION OF DETERMINATION.—A determination that an area is an ‘area in which poor economic conditions exist’ under clause (i) shall be in effect for—

“(I) in the case of an area described in clause (i)(I), 5 years;

“(II) in the case of an area described in clause (i)(II), until more recent census data are available;

“(III) in the case of an area described in clause (i)(III), 1 year; and

“(IV) in the case of an area described in subclause (IV) or (V) of clause (i), a period of time to be determined by the Secretary, but not less than 1 year.

“(B) CHILDREN.—The term ‘children’ means—

“(i) individuals who are 18 years of age and under; and

“(ii) individuals who are older than 18 years of age who are—

“(I) determined by a State educational agency or a local public educational agency of a State, in accordance with regulations promulgated by the Secretary, to have a disability, and

“(II) participating in a public or nonprofit private school program established for individuals who have a disability.

“(C) PROGRAM.—The term ‘program’ means the summer food service program for children authorized by this section.

“(D) SERVICE INSTITUTION.—The term ‘service institution’ means a public or private nonprofit school food authority, local, municipal, or county government, public or private nonprofit higher education institution participating in the National Youth Sports Program, or residential public or private nonprofit summer camp, that develops special summer or school vacation programs providing food service similar to food service made available to children during the school year under the school lunch program under this Act or the school breakfast program

under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

“(E) STATE.—The term ‘State’ means—

“(i) each of the several States of the United States;

“(ii) the District of Columbia;

“(iii) the Commonwealth of Puerto Rico;

“(iv) Guam;

“(v) American Samoa;

“(vi) the Commonwealth of the Northern Mariana Islands; and

“(vii) the United States Virgin Islands.”.

(B) CONFORMING AMENDMENTS.—Section 13(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(a)) is amended—

(i) in paragraph (2)—

(I) by striking “(2) To the maximum extent feasible,” and inserting the following:

“(2) PROGRAM AUTHORIZATION.—

“(A) IN GENERAL.—The Secretary may carry out a program to assist States, through grants-in-aid and other means, to initiate and maintain nonprofit summer food service programs for children in service institutions.

“(B) PREPARATION OF FOOD.—

“(i) IN GENERAL.—To the maximum extent feasible,”; and

(II) by striking “The Secretary shall” and inserting the following:

“(ii) INFORMATION AND TECHNICAL ASSISTANCE.—The Secretary shall”;

(i) in paragraph (3)—

(I) by striking “(3) Eligible service institutions” and inserting the following:

“(3) ELIGIBLE SERVICE INSTITUTIONS.—Eligible service institutions”; and

(II) by indenting subparagraphs (A) through (D) appropriately;

(iii) in paragraph (4)—

(I) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and indenting appropriately;

(II) by striking “(4) The following” and inserting the following:

“(4) PRIORITY.—

“(A) IN GENERAL.—The following”; and

(III) by striking “The Secretary and the States” and inserting the following:

“(B) RURAL AREAS.—The Secretary and the States”;

(iv) by striking “(5) Camps” and inserting the following:

“(5) CAMPS.—Camps”; and

(v) by striking “(6) Service institutions” and inserting the following:

“(6) GOVERNMENT INSTITUTIONS.—Service institutions”.

(6) REPORT ON IMPACT OF PROCEDURES TO SECURE STATE SCHOOL INPUT ON COMMODITY SELECTION.—Section 14(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1762a(d)) is amended by striking the matter that follows paragraph (5).

(7) RURAL AREA DAY CARE HOME PILOT PROGRAM.—Section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) is amended by striking subsection (p).

(8) CHILD AND ADULT CARE FOOD PROGRAM TRAINING AND TECHNICAL ASSISTANCE.—Section 17(q) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(q)) is amended by striking paragraph (3).

(9) PILOT PROJECT FOR PRIVATE NONPROFIT STATE AGENCIES.—Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended by striking subsection (a).

(10) MEAL COUNTING AND APPLICATION PILOT PROGRAMS.—Section 18(c) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(c)) is amended—

(A) by striking paragraphs (1) and (2);

(B) by redesignating paragraphs (3) and (4) as paragraphs (1) and (2), respectively; and

(C) in paragraph (1) (as so redesignated), by striking “In addition to the pilot projects de-

scribed in this subsection, the Secretary may conduct other” and inserting “The Secretary may conduct”.

(11) MILK FORTIFICATION PILOT.—Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended by striking subsection (d).

(12) FREE BREAKFAST PILOT PROJECT.—Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended by striking subsection (e).

(13) SUMMER FOOD SERVICE RESIDENTIAL CAMP ELIGIBILITY.—Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended by striking subsection (f).

(14) ACCOMMODATION OF THE SPECIAL DIETARY NEEDS OF INDIVIDUALS WITH DISABILITIES.—Section 27 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769h) is repealed.

(b) CHILD NUTRITION ACT OF 1966.—

(1) STATE ADMINISTRATIVE EXPENSES MINIMUM LEVELS FOR 2005 THROUGH 2007.—Section 7(a)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(a)(1)) is amended—

(A) in subparagraph (A), by striking “Except as provided in subparagraph (B), each fiscal year” and inserting “Each fiscal year”;

(B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B).

(2) FRUIT AND VEGETABLE GRANTS UNDER THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN.—Section 17(f)(11) of the Child Nutrition Act of 1966 (42 U.S.C. 1766(f)(11)) is amended—

(A) by striking subparagraph (C); and

(B) by redesignating subparagraph (D) as subparagraph (C).

**SEC. 442. USE OF UNSPENT FUTURE FUNDS FROM THE AMERICAN RECOVERY AND RE-INVESTMENT ACT OF 2009.**

Section 101(a) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 120) is amended—

(1) in paragraph (1), by inserting before the period at the end “, if the value of the benefits and block grants would be greater under that calculation than in the absence of this subsection”; and

(2) by striking paragraph (2) and inserting the following:

“(2) TERMINATION.—The authority provided by this subsection shall terminate after October 31, 2013.”.

**SEC. 443. EQUIPMENT ASSISTANCE TECHNICAL CORRECTION.**

(a) IN GENERAL.—Notwithstanding any other provision of law, school food authorities that received a grant for equipment assistance under the grant program carried out under the heading “FOOD AND NUTRITION SERVICE CHILD NUTRITION PROGRAMS” in title I of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 119) shall be eligible to receive a grant under section 749(j) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (Public Law 111-80; 123 Stat. 2134).

(b) USE OF GRANT.—A school food authority receiving a grant for equipment assistance described in subsection (a) may use the grant only to make equipment available to schools that did not previously receive equipment from a grant under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 115).

**SEC. 444. BUDGETARY EFFECTS.**

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in

the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

**SEC. 445. EFFECTIVE DATE.**

Except as otherwise specifically provided in this Act or any of the amendments made by this Act, this Act and the amendments made by this Act take effect on October 1, 2010.

The SPEAKER pro tempore. Pursuant to House Resolution 1742, the gentleman from California (Mr. GEORGE MILLER) and the gentleman from Minnesota (Mr. KLINE) each will control 30 minutes.

The Chair recognizes the gentleman from California.

Mr. GEORGE MILLER of California. I yield myself such time as I may consume.

Mr. Speaker, today I rise for our Nation's children, for the poorest children in our country who are hungry and malnourished. I rise because children need our help. Child nutrition is not a political issue. It's not a partisan issue. It's a question of what's a moral thing to do for our children. It's about being on the right side of history and ensuring a healthy and productive future for our country. Our children will make and determine our future, and that is what is at stake.

In a country as great as ours, no child should go hungry, but, in fact, millions of children do go hungry at various times throughout the year and very often throughout the day. And the fact of the matter is we cannot afford to let that continue.

At the same time we are in the middle of this crisis of food insecurity, it's called, better known as hunger. We also face the public problem of obesity. And what we understand and what we know is that our schools, through the school nutrition programs and other programs that serve nutritional meals to children, are an opportunity to educate them about eating better, eating healthier. This legislation addresses those concerns because it provides the resources necessary so that we can improve the meal selection for our children in the various feeding programs.

It's very important for us because it also provides for increased transparency of the program, for increased efficiency of the program, for increased simplicity of the program both for parents who are enrolling their children, for school districts who are enrolling and accountable for those children and for those meals. Those combinations of accountability and transparency for healthier meals should be a goal and is the goal, in fact, of this Congress and of this Nation.

It also provides accountability within the legislation, and it also provides the means by which we can assure that we will have healthy foods during the school day for the children and in other educational settings and care settings for these children so that we can also address the problems of childhood obesity.

We have had hearings in our committee where we have had experts from

various scientific organizations and health organizations, that we now have very young children presenting with adult diseases and illnesses. We spend some \$140, \$150 billion on the excess costs of obesity, much of which starts with children, with their diet.

That's what this legislation is really about, is making sure that we can, in fact, provide for a healthier school-age population, a smarter school-age population about the foods that they choose, a better meal program for them, and increased simplicity and transparency and accountability for those who administer the program.

With that, I reserve the balance of my time.

Mr. KLINE of Minnesota. Mr. Speaker, I rise in opposition to S. 3307, and I yield myself such time as I may consume.

The American people have spoken, and they continue to speak loud and clear. I have been listening, and I know what I have been hearing in the Second District of Minnesota is being repeated from coast to coast: Stop growing government. The people are telling us, Stop spending money we do not have. It's a simple request and a sensible one, yet it continues to be ignored.

Today's vote will be among our final acts as we move through the few remaining days of the 111th Congress. As we cast those votes, we have a choice to make. Will we continue spending more and increasing the role of government in Americans' lives, or will we listen to the people and begin to step on the brakes?

Each of us must make that choice as we cast our votes on the bill before us. Everyone recognizes the importance of extending child nutrition programs, but extending these programs does not mean expanding them. We could extend these programs and improve them with no added cost to taxpayers. We could listen to our constituents and do right by our children.

In fact, my Republican colleagues and I tried to do precisely that, but the Democrats on the Rules Committee denied us the opportunity to offer such an option on the floor today. Instead, this bill spends another \$4.5 billion on various programs and initiatives and creates or expands 17 separate Federal programs. It imposes a tax on the middle class by empowering the U.S. Secretary of Agriculture to require schools to increase—that's right—require schools to increase the price they charge families for school meals.

This is a dangerous foray into Federal price controls, and it's one of many concerns outlined by the National Governors Association and leading school groups. In fact, the school leaders who would be responsible for implementing these new requirements have urged us to vote "no" on S. 3307 because of its higher cost for local districts and its rigid mandates.

□ 1330

Earlier this month, the American Association of School Administrators, the

Council of the Great City Schools, and the National School Boards Association told us, "All of the national organizations representing the Nation's public school districts do not support the Senate version of the Child Nutrition reauthorization bill pending before the House." This is a strong statement that should leave every Member questioning the wisdom of imposing these added costs and mandates on our school systems.

In fact, the cost of this proposal has been a sticking point throughout the process. The majority claims this bill is paid for. They want us to believe we can grow government with no cost or consequences. But the American people know that's just not true. More spending is more spending whether or not those dollars are offset elsewhere in the massive Federal budget. But one offset in this bill is particularly questionable.

The truth is, at least some portion of the billions the new program costs is deficit spending. This money was borrowed from our children and grandchildren in 2009 when it was put in the stimulus; that borrowed money is simply being redirected today. It was borrowed then; it is borrowed now.

This bill, with its so-called pay-for, is merely a stalling tactic. It obscures government expansion in the short term so this bill can become law and its spending can become permanent. So here we stand, playing a shell game with the Federal budget and hoping the American people do not notice that government continues to grow, spending continues to expand, and our children continue to fall deeper and deeper into debt.

Mr. Speaker, I support extending and improving child nutrition programs. I believe we can do so in a bipartisan way, but that opportunity is lost with this bill, and so I must oppose it.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 30 seconds. First of all, it's very clear in this legislation that it does not require school districts to raise any meal prices. In fact, in the best sense of local control, it lets school districts decide and determine how they will ensure that there's adequate revenue to support the paid meal program. We should not have the Federal taxpayers underwriting the support of meals for those who can afford it as is required by the law. This bill passed unanimously from the United States Senate. It passed unanimously because they knew that it is paid for.

I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY), a member of the committee.

Ms. WOOLSEY. Mr. Speaker, I rise in support of S. 3307 which passed, by the way, by unanimous consent out of the Senate. And I support it because it is our responsibility in this wealthy Nation, the United States of America, to make certain that all children, regardless of family income, have nutritious



food so that they will thrive in school and in life and because we know that a hungry child cannot learn and poor nutrition costs our Nation far more over time than investing in good nutrition now.

Mr. Speaker, I'm proud to be the author of two provisions of this bill. One will update, for the first time in 30 years, the nutritional standards for foods sold in vending machines, a la carte lines and school snack bars. The other creates a pilot program for schools to offer organic foods.

We know that child nutrition is at the heart of our social safety net and the safety of all of our children. And these programs have been overwhelmingly successful, and they have been cost effective. It's essential that we reauthorize them and that the administration work with us to fulfill their commitment to backfill any food stamp funding after 2013.

I urge all of my colleagues, Mr. Speaker, to vote "yes" on S. 3307.

Mr. KLINE of Minnesota. Mr. Speaker, I yield myself such time as I may consume here to address this issue of a floor on school lunch prices that can be imposed. I have got a couple of quotes here I would like to read. One is from the bill and one is from the letter from the Governors Association where there's a paragraph that says, "Federally mandated paid meal price. The bill would establish a Federal mandate for every paid meal in every school in the country for the first time ever. Governors join with the school community to strongly oppose this Federal mandate. The provision will dramatically destabilize fair market pricing of school meals" and so forth.

And they get that from the language of the bill itself. In section 205, it says: "Lower price, in general, in the case of a school food authority that established a price for a paid lunch in the previous school year that was less than the difference between the total Federal reimbursement for a free lunch and the total Federal reimbursement for a paid lunch, the school food authority shall establish an average price for a paid lunch that is not less than the price charged in the previous school year."

So the Federal Government is coming in and saying, you can't charge any less; you cannot lower the price of your paid school lunch unless it meets our requirements. It is, in fact, saying that you can't lower the price of food even if you would like to do so. It doesn't meet this requirement.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentlewoman from New York, CAROLYN MCCARTHY, the subcommittee chair on this.

Mrs. MCCARTHY of New York. Mr. Speaker, I rise today in support of S. 3307, the Healthy, Hunger-Free Kids Act of 2010. I want to also thank Chairman MILLER for his leadership on this issue. I also want to thank all of our staff who have worked so hard on this

bill. Finally, I would like to thank the nutrition and anti-hunger groups who have helped raise the awareness of this very important issue, including those in my district.

In the Healthy Families and Communities Subcommittee, which I chair, we have worked hard over the last two Congresses on how we should address many of the important issues through child nutrition reauthorization, including how we can reduce childhood obesity. I'm proud that this bill contains provisions from bills which I have introduced, which will promote nutrition and wellness in child care settings and support breastfeeding for low-income women.

As a nurse for over 30 years, I have seen firsthand the risks and illnesses that can result from obesity. Childhood obesity, diabetes, and heart disease are all on the rise in the United States. And one of the best tools we have to combat these illnesses is our ability to apply wholesome and healthy nutrition to children in our schools. Childhood obesity is found in all 50 States, in both young children and adolescents. It affects all social and economic levels.

There is no silver bullet to solve childhood obesity. However, the School Breakfast and Lunch programs can make a great impact because they may provide more than 50 percent of a student's food and nutrient intake on school days.

Given the current harsh financial realities for many families in my district and throughout the Nation, schools have an increasingly important role to play in providing children with nutritious food during their days. We also know how critical it is to reach children as soon as possible. While the bill doesn't include everything our House-passed bill contained, it is a strong, commonsense, and hopefully bipartisan effort to improve access to healthy food to all children.

I urge my colleagues to vote "yes" on this bill.

Mr. KLINE of Minnesota. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Georgia, Dr. BROUN.

Mr. BROUN of Georgia. I thank the gentleman for yielding.

I'm a medical doctor, and I have spent almost four decades of practicing medicine concerned about child nutrition and about the health of my patients. Doctors do that as family practitioners and pediatricians all over this country, all over the world.

But this act is not about child nutrition. It's not about healthy kids. It's really about an expansion of the Federal Government. And it's an interference in the school system, so much so that the American Association of School Administrators, the Council of Great City Schools, and the National School Boards Association all oppose this act.

This is not about child nutrition. This is about more government control. This is not about healthy chil-

dren. It's about borrowing more money and putting our children in greater debt. It's not about creating a better environment for children in the schools. It's about more and more control from Washington, DC.

And we have just got to stop that. The American people are acting very strongly against the agenda that this Congress and this President has shown them in the last 2 years. We saw that on November 2.

□ 1340

We have got to stop the spending. This is a \$4.5 billion bill, and the pay-for that our colleagues on the other side of the aisle have put into place is a farce. It's a lie, and it is borrowing more from our children. This kind of idiocy has to stop. It includes a lot of Federal mandates. It is going to be extremely costly.

And it does things such as create new programs like an organic food plot. Now, I eat organic food. I like the taste of free range chicken and free range beef and organic foods, but we don't need the Federal Government to promote this kind of stuff. It's crazy.

It also spends taxpayer dollars to federalize nutrition standards. I am one who believes in proper nutrition. I have talked to my patients for years and years about proper nutrition, eating properly, taking care of their diabetes and their hypertension and their hyperlipidemias and things like that through nutritional means above even prescribing medication. But the Federal Government has no business setting nutritional standards and telling families what they should and shouldn't eat.

This bill contains a lot of hidden costs, hidden costs that are going to wind up being billions of dollars of more Federal spending. And it contains mandates on the States.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. KLINE of Minnesota. I yield the gentleman an additional minute.

Mr. BROUN of Georgia. It does give extra mandates on the States, and the States are already overburdened and suffering financially.

Republicans have an alternative to support child nutrition without growing government, but we are not able to bring those things to the floor. Hopefully in the next Congress, we will be able to. We are extremely concerned about the nutrition of our children, and of adults. I, as a physician, have been spending most of my adult life talking about nutrition and health, but this bill is not that. This bill is a nutrition bill for a bigger government, greater spending, and it must stop. I encourage my colleagues to vote against this bill. It is disastrous.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the Speaker of the House, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the chairman, and I thank Congresswoman MCCARTHY, Chairwoman



DELAURO, Congressman JIM MCGOVERN, all for their leadership in bringing this important legislation to the floor today. I especially want to acknowledge the exceptional leadership of First Lady Michelle Obama for recognizing a tremendous need in our country for proper nutrition for our children, children who have issues of having the proper nutrition, having issues about being susceptible to diabetes. So many members of our caucus in this Congress have participated in this legislation, in this House, Congresswoman BARBARA LEE, the chair of the Congressional Black Caucus, as have other Members; Leader HOYER. We all come together with a shared value, and we come together proudly to support a bill that passed unanimously, with bipartisan support, passed unanimously in the United States Senate. I congratulate the Senate for the action that they took to give us an opportunity to be here today.

When I became Speaker, my first action was to gavel the House to order on behalf of all of America's children. I feel very proud that toward the end of this Congress, I have an opportunity to come to speak for those children as well. I come as a mother and as a grandmother. I come as one whose children and grandchildren every day pray for the one in five children in America who lives in poverty. Many of those children go to sleep hungry at night. How could that be in this, the greatest country in the world.

This Congress, the United States Senate in a bipartisan way, the First Lady and the President of the United States have decided to take action upon the tremendous need our children have. We all know that this legislation is important for moral reasons. It is also a competitiveness issue for our country. It is important for children to learn in order for us to compete internationally. They can't learn if they are not eating, if they don't have the proper nutrition. So it is not just about what it means to the children, although that is foremost. It is what it means to our country, our community, to our economy.

It is a national security issue as well. Just a little bit of history that many of you are familiar with, but I will recall, in order to create the strongest possible military, we must address obesity among America's children. A little history, the National School Lunch Act was made law in 1946 as a response to the alarming number of Americans who were rejected from World War II military service because of diet-related health problems. That is how we got food stamps and many of the food initiatives in our country. More than 60 years later, America faces the same problem: 27 percent of young Americans are unable to serve in the military because they are overweight. That is why Mission Readiness, an organization of more than 150 retired military leaders, is urging Congress to pass this bill.

The faith-based community supports it. The children's organizations support it. Those who are concerned about nutrition and feeding our children support it. The military supports this legislation. It will strengthen our competitiveness, it will improve our military readiness, and it will honor our commitment to our children. And it does so in a fiscally responsible way, improving the efficiency and the effectiveness of Federal child nutrition initiatives and ultimately saving the taxpayer money.

The United States of America spends \$147 billion each year in excess medical costs treating obesity-related diseases. Indeed, we cannot afford not to address this problem. We must address this problem. Again, I commend my colleagues for their leadership over the years. I know that Congressman GEORGE MILLER, now chairman of the Education and Labor Committee, but way back when, before he came to Congress, decades ago as a staffer in Sacramento, California, worked on child nutrition issues. So he brings a long history and great commitment in making a tremendous difference for children and their health.

Again, let us address this moral issue, this competitiveness issue, this national security issue. Let us join the United States Senate in passing this legislation with strong bipartisan support for all of America's children.

Mr. KLINE of Minnesota. Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Speaker, the Senate unanimously passed this bill. Unanimously. I think I understand why, because they understood what I hope we understand today is the choice that is in front of the country. You can understand that choice by thinking about where two Americans are at this moment.

One of them is a second grader who just went through her paces and classes for the morning. It's now time for lunch. This bill says no matter how much money her mother and father make, she is going to get a nutritious, wholesome meal to fuel her for the rest of the day. And, yes, that is going to cost \$4 billion, which is offset by cuts in other areas of the budget.

The second American is the leader of a huge hedge fund on Wall Street. He is on his way to lunch at the priciest restaurant in Manhattan, maybe a \$200 or \$300 lunch. One of the other issues before the Congress this week is whether he should get a tax cut that over the years will cost a dollar for every penny that this bill costs. These are the two Americans whose considerations are before the House today.

□ 1350

I don't begrudge the hedge fund manager for the wealth he's accumulated,

the jobs he's created. I don't think we should borrow money from the Chinese to lower his taxes; but I think, as the unanimous consent of the Senate thought, that that second grader should get a wholesome, healthy school lunch, and we should vote "yes."

Mr. KLINE of Minnesota. Mr. Speaker, I continue to reserve.

Mr. GEORGE MILLER of California. I yield 1 minute to the majority leader, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the chairman for yielding. I want to congratulate the chairman, as the Speaker did, for a lifetime of dedication to children, to education, and to health care. He has been a giant in all three of those activities and, in fact, understands the relationship between all those activities.

I also want to thank the ranking member for his work. I know that he's not for this bill, so we have a difference there; but I do not believe, as the previous speaker said on his side of the aisle, that he's not also for making sure that children have the proper nutrition and grow up healthy. We have a different perspective on how to get there.

The Centers for Disease Control tell us that over the past three decades childhood obesity rates have tripled. Nearly one out of every five American children between the ages of 6 and 19 is obese. That is a national crisis. That is a national security crisis. That is a crisis that we owe morally, ethically, fiscally, and as a national policy to address. That doesn't just mean a lifetime of health problems for those children. It means a public health crisis that we all pay for.

One of my favorite phrases is, Life is a series of alternatives, series of choices, but they're not free choices. Ted Agnew was elected Governor of the State of Maryland at the same time I was elected to the Maryland State Senate, and he gave a speech on the east front of the capitol of our State in Annapolis. One of the phrases in that speech has stuck with me since January of 1967. He said, The cost of failure far exceeds the price of progress. I want you to think about that: the cost of failure far exceeds the cost of progress.

The cost of unhealthy children is far greater than keeping those children healthy, to facilitating their not only nutritional but health needs. We pay for the failure to do so in the billions of dollars in health care costs each year, and we even pay for it in military readiness, with at least 9 million young adults, think about it, 9 million young adults in America who are too overweight to serve in our Armed Forces, nine million, according to a coalition of retired senior military leaders.

So, again, a health issue but a national security issue as well.

We can't reverse the obesity epidemic or solve child hunger overnight. We recognize that. But we can take an important step towards getting our

children healthier food by passing this particular piece of legislation.

And as has been pointed out time after time, this bill was passed unanimously in the other body. That means that this is not a partisan bill. This is not a bill on which there was great disagreement, and we know in the United States Senate there are people who are very concerned about the budget deficit, very concerned about growth of government, very concerned about many of the things that were expressed on this floor. They unanimously said this is a priority for our country and we're going to pass it.

This legislation takes important steps to increase access to school meal programs, improve the standards of the food provided and sold to our children, and strengthen accountability to produce healthier results for our children.

Among the bill's most important provisions, it increases reimbursements for school meal programs so that the food offered can meet today's health standards, not outdated standards. We've learned a lot in the last 15 to 20 years. We understand better what creates healthy children, is helpful or is not, food that may taste good but leads to obesity.

Now, we all have the opportunity to purchase that. I'm a big McDonald's eater myself. I understand that luckily whatever metabolism I have seems to work with respect to my ingesting all of those McDonald's hamburgers and french fries. I love them and I don't want to be told I can't have them. But I do know this: I have a great-granddaughter who's 4 years of age. She's going to be in school pretty soon. I want to make sure the food she gets in school, whether she buys it or it's provided for her because she can't afford it—luckily our family will be able to afford it—is food that will enhance her health, her well-being, her growth, her intellectual abilities because she will feel well.

This is a critically important piece of legislation that so many Members of the Senate and the House have worked so hard on. The bill also helps schools create and expand breakfast programs because nutritious breakfasts have been shown to correlate strongly with improved academic outcomes.

George Bush I was a big proponent of Head Start. One of the reasons he was a big supporter of Head Start is because he thought it worked. He thought it worked to make sure that young people have opportunities. One of those, of course, is having a breakfast so that when they're in a classroom they're not agonized about hunger. They're focused on learning.

When families face food insecurity and when schools do too little to pick up the slack, we are condemning children to higher chances of poor performance in school and poor health throughout life. This bill will also provide grants and outreach to increase participation in summer food service

programs so that children can eat healthier food year-round.

I learned about the importance of those programs firsthand. I'm sure many of you have done the same on both sides of the aisle. You have visited programs in your communities that provide children with healthy meals. I was in La Plata, Maryland, a few months ago, and I saw the direct benefit to those children of the program that was available to them there.

Finally, this bill would continue school districts' role in creating local nutrition and physical activity programs, but it will also ensure follow-up to see these programs are implemented and that they meet their goals.

The health of our children has a distinct and direct impact on all of us, and all of us care about that. It's not a partisan issue. Every Republican, every Democrat cares about the health of our children. But caring is not enough. We need to act as well. Saying that we care, as the Bible tells, faith without works is dead. It's nice to say you have faith, but if you don't follow that with action, that's somewhat empty.

This is an opportunity to act. This is an opportunity to not only say that we care about children and their health and their nutrition and their welfare but it is an opportunity to act and make it so. Let us do that.

I congratulate all of those who have worked so hard to bring this bill to the floor, and I urge its adoption.

Mr. KLINE of Minnesota. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from east Tennessee, Dr. ROE.

Mr. ROE of Tennessee. Mr. Speaker, I rise in opposition to this legislation.

You will be hard pressed to find many Members on either side of the aisle who oppose childhood nutrition programs. No child, no child, should have to go hungry. That's something all of us agree on.

This bill, however, represents everything that's wrong with Congress right now. First, we've done virtually no committee consideration of this legislation. Of other legislation, yes, but not this legislation we are going to vote on today. The Education and Labor Committee marked up an entirely different bill. Many Republicans offered amendments in committee; and like so many other bills in NANCY PELOSI's Congress, no amendments were permitted on the floor today, none.

Second, this bill spends even more. What the American people have been saying all year to us is to stop spending money we don't have. They want us to look for savings within existing programs. If there are worthy improvements to be made, we can use those savings to make these programs better, but you can't get out of a ditch if you keep digging yourself deeper into it, and our fiscal situation is the Grand Canyon of all ditches.

□ 1400

Now, I'm sure we're going to hear all about how this spending is "paid for"

with spending cuts. While that's an improvement over paying for bills with tax increases, the fact is many on the other side of the aisle and a host of groups are already insisting that the cuts be made here today to the food stamp program, or SNAP, as it's now called, will be restored. How dishonest is it to say a bill is paid for with spending cuts that we have no intention of keeping in place?

If we defeat this legislation today, we can come back and start considering each new program today on its own merits. There may be some improvements to the program which I would vote for—and I'm sure there are—and I would be happy to work with colleagues on both sides of the aisle on this program after we have had a chance to carefully review it; but until then, let's keep the existing program in place.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to a member of the committee, the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. I thank the chairman.

Mr. Speaker, this important bill will increase the number of children enrolled in school meals programs, and it will provide more meals for at-risk children nationwide; it will improve the quality of school meals; it removes junk food from the schools; it provides nutrition and wellness for the students, and it increases the reimbursement rate for schools. This is too important to delay another day.

I want to thank Chairman MILLER for including in the bill language that I wrote on Farm to School improvements, which will provide tens of millions of dollars in mandatory funding for fresh vegetables.

Now, since I come from New Jersey, it may not be a surprise that I support bringing Jersey tomatoes and sweet corn into the schools, but this has real nutritional benefits and educational benefits as well as improving the economics of local farmers. Of course, it will also help, as we've heard, fight childhood obesity.

It is important to point out—and I must emphasize this to my colleague who just spoke—that this is paid for fully by cuts in other programs, and I pledge to restore any funds borrowed from future years of food stamp funding to cover this.

Mr. Speaker, I rise today in support of the Healthy, Hunger-Free Kids Act of 2010 (S. 3307), which will reauthorize important child nutrition programs and raise the nutritional standards for food served to our school children in a variety of ways.

The number of obese children in the United States has tripled in the last 30 years. The Centers for Disease Control and Prevention (CDC) found that as of 2008 almost 32 percent of our children were either overweight or obese. Obesity leaves children at risk of developing adult diseases such as hypertension and Type-2 diabetes, and at increased risk of developing heart disease and suffering from strokes and cancer. A study by Mission: Readiness, an organization of retired senior military

leaders, found that more than 9 million young adults are too overweight to join the Armed Services.

In a strange paradox, while childhood obesity has reached epidemic levels in the United States, so too has childhood hunger. As of 2008, more than 49 million people in the United States were living in food insecure households, and more than 16 million of those were children. That's more than 22 percent of all children living in America. Making matters worse, more than 17 million people were living in households that were considered to have "very low food security," a USDA term meaning one or more people in the household were hungry over the course of the year because of the inability to afford enough food. In 2008, the number of people suffering from "very low food security" was double the number in that category in 2000.

We are long overdue in taking decisive action to combat these problems, and I am pleased that we are taking an important step today. The Healthy, Hunger-Free Kids Act includes many provisions to combat childhood hunger. The bill increases the number of children funded in the school meal program by using existing data to directly certify eligible children. In addition, it provides funds to states to establish and expand school breakfast programs in communities with high levels of children living in poverty. It would also expand the availability of summer food service programs so more children have access to nutritious meals year round. To help reduce hunger outside of school, the bill would allow Child and Adult Care Food Program providers nationwide to be reimbursed for providing a meal to at-risk children after school. Altogether, the hunger-prevention provisions in the bill would provide more than 21 million additional meals to at-risk children.

The legislation would also combat obesity by making the food served at school healthier and more nutritious. It requires that all food served at school meet updated standards that reflect recommendations made by the Food and Nutrition Board of the National Academy of Sciences National Research Council. This will finally remove junk food from schools and ensure that the only meal some children get each day is nutritious. Further, the legislation increases the reimbursement rate for schools that comply with these new nutrition standards. This represents the first increase in reimbursement rates in 30 years. The bill also requires schools participating in the school lunch program to offer drinking water in the location where meals are served, while they are being served, and to establish school wellness policies.

I am particularly pleased that my legislation, the Farm to School Improvements Act, is included in the Healthy, Hunger-Free Kids Act. The farm to school provisions in the bill establish a program through which schools, agricultural producers, nonprofit organizations, agencies and Indian Tribes can obtain competitive matching grants to increase the use of locally-supplied foods in schools participating in the school lunch or breakfast programs. Priority in awarding the grants goes to projects that, among other things, make local food products available on the school menu, serve a high proportion of children who are eligible for free or reduced price lunches, and incorporate experiential nutrition education activities such as farming and growing school gardens in cur-

riculum planning. The bill provides \$40 million in mandatory finding over 8 years to support farm to school programs.

When he testified in July at the hearing on this legislation in the House Committee on Education and Labor, U.S. Secretary of Agriculture Tom Vilsack said that we cannot "delay the connection between the farm and school." It is a crucial link between children and their food supply. Similarly, Beth Feehan, Director of the New Jersey Farm to School Network said "[w]e can't be penny wise and a pound foolish with this one. What we feed children will determine their health as adults—how well they learn and perform in all areas of their lives. . . . When our military states that [it] cannot command enough recruits due to the increase in obesity in the eligible population who can serve, it is time to take a serious look at what we are feeding children and make improvements now." I am pleased that we are doing that today.

In these challenging fiscal times, every dollar we spend must not only meet immediate needs but also make lasting improvements for the future. Because school food programs currently provide more than half of the daily nutrition for many children, it is vital that these meals be healthy ones. Farm to school programs increase the availability of fresh fruits and vegetables to improve our children's daily nutrition and can lead to permanent improvements in their diets and eating habits.

Farm to School programs also benefit small- and mid-sized agricultural producers by providing access to consistent markets, making them a great stimulus for the local economy. Currently, 10,000 farm to school programs exist, but there are 94,000 public and nonprofit private schools operating school lunch programs that could offer one.

I would like to take a moment to thank Megan Lott of the Community Food Security Coalition, Beth Feehan, the Director of the New Jersey Farm to School Network, and Gabrielle Serra of the House Committee on Education and Labor for helping to make this program a reality.

I was delighted when the House recognized the critical importance of farm-to-school programs by passing my House Resolution 1655 in November, to establish October as National Farm to School Month. Today, I am pleased to support the Healthy, Hunger-Free Kids Act, and I urge my colleagues to do the same.

Mr. KLINE of Minnesota. Mr. Speaker, may I inquire as to the time remaining on both sides.

The SPEAKER pro tempore. There are 18½ minutes remaining on both sides.

Mr. KLINE of Minnesota. I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 1 minute to a member of the committee, the gentleman from Iowa (Mr. LOEBSACK).

(Mr. LOEBSACK asked and was given permission to revise and extend his remarks.)

Mr. LOEBSACK. I want to thank Chairman MILLER and staff for working to move the reauthorization of this bill forward.

Mr. Speaker, this really is a historic bill; and while not perfect, it is nonetheless a vast improvement over the status quo. As was mentioned already a

number of times, it passed unanimously in the Senate.

I am pleased that this legislation includes provisions from legislation that I introduced to ensure that over 110,000 more children receive school meals and are automatically enrolled for those meals, saving parents and schools time and money and cutting red tape, while also ensuring that our Nation's children are, in fact, getting adequate nutrition.

It also includes provisions that will improve the quality and healthfulness of school food products and processing, and it will give schools a new option to provide universal free meals.

This bill also makes a strong commitment to healthy foods through the Farm to School program, as was just mentioned, and it provides the first increase in the meal reimbursement rate in over 30 years.

I urge support for this legislation, not only for our children's current health, but for their future health as adults as well. I urge the passage of this legislation.

I want to first thank Chairman MILLER and Chairwoman LINCOLN and their staff for working to pass this bill and moving child nutrition reauthorization forward. This is a historic bill, and while not perfect, is a vast improvement over the status quo.

I am pleased that a number of provisions from legislation I introduced are included in this legislation. I was happy to introduce in the House, along with Chairwoman LINCOLN in the Senate, the Healthy Food for Healthy Schools Act, which is included in this bill.

I am also pleased that this bill includes a number of provisions from the Hunger Free Schools Act I introduced in the House and Senator BROWN introduced in the Senate.

The primary goals of the Hunger Free Schools Act are to increase access to the school meals programs, enhance children's learning, support a robust farm and food economy, and also lessen the administrative cost and burden on our schools.

Even in this day and age, the U.S. Department of Agriculture (USDA) reported that in 2009, over 450,000 families with children had one or more children who did not get enough to eat. In my eyes, this is simply unacceptable in the wealthiest and most advanced nation on earth.

I truly believe this legislation takes major steps to address these issues in the place where our children learn and grow. In order to prepare our children to compete in an increasingly global economy, we must make childhood nutrition a priority. By automatically enrolling low-income children for free school meals to ensure that no hungry child misses out on critical nutrition, we are taking important steps to address these issues.

That is also why, in the Hunger Free School Act, we included provisions to make it easier for high-poverty schools to offer free meals to all students through community eligibility and to make it easier for low-income students to get free meals no matter where they attend school.

The legislation before us today includes a number of these provisions from the Hunger Free Schools Act. I would like to share some specifics about what S. 3307 will do with respect to community eligibility and automatic enrollment.

This legislation includes new options designed to make it much easier for high-poverty schools and districts to focus their efforts on educating children rather than administrative burdens and paperwork. The new options, which are known as community eligibility options, draw on reliable data to replace paper applications, significantly reducing administrative hassles and even costs for families and for schools.

Schools that participate in community eligibility options would serve all meals free of charge to students in exchange for the simplifications of not having to process applications or track eligibility in the cafeteria. We have to make sure, however, that we don't replace one bureaucratic process that plagues schools with another process of complicated formulas and reimbursement rates.

The community eligibility provision included in this bill is targeted at the poorest schools in America. The goal is that these schools are able to serve all kids free meals so that no low-income child feels a stigma for needing these meals, they all get the meals they need to learn, and we help streamline the operation of the meal program.

This should allow schools to spend time on teaching and improving school meals rather than paperwork. While implementing the community eligibility portion of this legislation after it is signed into law, USDA should work to make it as easy as possible for schools to participate and should avoid unnecessary barriers or complexities. We need to focus on the goal of getting high-poverty schools to participate to make progress on reducing hunger.

Another important provision included in S. 3307 I was happy to work on is an expansion of automatic enrollment and direct certification. The Child Nutrition and WIC Reauthorization Act of 2004 phased in a requirement that schools automatically enroll children in households receiving benefits through the Supplemental Nutrition Assistance Program (SNAP, formerly the Food Stamp Program) for free school meals so that families that have already sought help and provided detailed information will not have to go through a duplicative application process, thereby saving school districts time and money.

Obviously the goal was to have every school district automatically enrolling every one of those children. For a number of reasons, states miss nearly three in ten children who could benefit from automatic enrollment and some states miss half the children who could benefit. While we have not yet achieved the goal of automatically enrolling every child, schools have made good progress and this legislation will put in place incentives for further progress.

S. 3307 will put in place performance standards beginning with reaching 80 percent of children eligible for automatic enrollment based on SNAP data and increasing to 95 percent. States that have trouble meeting this standard will develop improvement plans and states that perform especially well or show dramatic improvement will receive performance bonuses. The Congressional Budget Office (CBO) estimates that an average of 4,500 low-income children will receive free school meals for the first time as a result of these changes.

While not as strong as provisions I included in the Hunger Free Schools Act, S. 3307 will importantly launch a demonstration project to

expand direct certification through the use of Medicaid data for automatic enrollment for free school meals. Due to the funding situation we are faced with, the demonstration project focuses on the use of Medicaid data by selected school districts around the country. CBO estimates that 115,000 children each year will receive free school meals for the first time as a result of this demonstration project and many more who are already receiving free meals will be automatically enrolled for the first time by using the new Medicaid data.

Unfortunately, as I mentioned, due to funding constraints, there are millions more children who are eligible for free school meals and receive Medicaid, but who will not benefit from this expansion of direct certification. Fortunately, the USDA can do a great deal to reach them within the Department. I urge USDA to use its standing authority to conduct additional demonstration projects to explore the use of Medicaid data to enroll low-income children for free school meals.

Granted, the use of Medicaid data for direct certification is more complicated than SNAP data because states may set income limits for children receiving Medicaid that are higher than the income limits that apply to free meals offered through the school meals programs. To take Department-level steps to remedy this situation, USDA could study an array of different approaches to using Medicaid data for school meals enrollment, including statewide approaches.

Alongside my enthusiasm for these provisions, however, is concern that this bill is partly funded by reducing future SNAP benefits that were increased above normal levels as a result of the American Recovery and Reinvestment Act. As we all know, SNAP benefits stave off hunger for millions of low-income families, including many of the same families and children we try to help through the child nutrition programs.

I am pleased the Administration has stated their intention to work toward the restoration of this SNAP funding in the future and their intention to take additional steps to make improvements on a Department-level to the child nutrition programs. I hope USDA will look at provisions in the Hunger Free Schools Act for some ideas on potential improvements.

Despite the issue with SNAP benefits, this bill provides numerous benefits for children and schools and is truly a historic commitment to child nutrition. The bill also makes a strong commitment to healthy foods through the Farm to School program and provides the first increase in the meal reimbursement rate in over 30 years. The provisions of the Hunger Free Schools Act that are included will make important strides to modernize the school meals program and make it easier for low-income children to get the school meals they need, while providing a base upon which USDA may build.

By the time we begin work on the next child nutrition reauthorization, I hope these provisions I have discussed will have ensured that schools serving low-income children are providing free meals to all students using community eligibility options, every student in a household receiving SNAP benefits are automatically enrolled for free school meals, and thousands more children are directly certified through Medicaid data.

Most importantly, I hope children will be healthier, will have a better learning environ-

ment, and that our child nutrition programs will be fulfilling our commitment to ending childhood hunger.

Mr. KLINE of Minnesota. I continue to reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 1 minute to a member of the committee, the gentlewoman from California (Ms. CHU).

Ms. CHU. How could the wealthiest country in the world have a situation where 22 percent of its children are hungry? Children like Michael, a fourth-grader. His mom works two jobs, and it's hard for her to cook, so Michael stuffs three sandwiches in his backpack during lunch, making the school lunch program his only guaranteed meal.

This bill will make it easier for more children like him to have at least one healthy meal a day. Kids who are fed aren't just healthier; they succeed. Children who eat breakfast at school do better on standardized tests than those who skip it or eat at home.

But that's not all. We heard some school districts are balancing their budgets by using school lunch dollars for other purposes. So I introduced a bill to ensure Federal nutrition money actually goes toward feeding our needy children—it is included here—ensuring that our tax dollars go where they are supposed to.

This bill was unanimously passed in the Senate and is fully paid for. Let's pass this bill, and let's ensure that our kids are fed.

Mr. KLINE of Minnesota. Madam Speaker, I yield myself 2 minutes just to address an issue that we have talked about a number of times.

Both sides have referred to organizations that support or oppose this legislation. For a moment, I just want to go to a letter that has been referred to from the American Association of School Administrators, the Council of the Great City Schools, and the National School Boards Association. They represent the State and local officials who actually have to implement this law that we are preparing to pass here in Congress. There are just a couple of excerpts from the letter which I will quote:

"The bill adds multiple new requirements while failing to reimburse these additional costs."

"School districts continue to financially subsidize the Federal meals program at the expense of our primary responsibility, our students' educational program."

"The numerous new requirements in S. 3307 will exacerbate these operational concerns and drive school districts' budgets further in the hole. Notably, none of the interest groups or celebrities promoting this bill bear the governmental and legal responsibility of school district officials to deliver services with an annual balanced budget," and so forth.

This bill will drive up costs and complexities for school districts, and that is not the direction in which we should be going.

AMERICAN ASSOCIATION OF SCHOOL ADMINISTRATORS; COUNCIL OF THE GREAT CITY SCHOOLS; NATIONAL SCHOOL BOARD ASSOCIATION,

NOVEMBER 15, 2010.

HOUSE OF REPRESENTATIVES,  
Washington, DC.

DEAR REPRESENTATIVE: All of the national organizations representing the nation's public school districts do not support the Senate version of the Child Nutrition reauthorization bill (S. 3307) pending before the House. The bill does not provide sufficient resources to cover the local cost of providing the federal free and reduced-priced lunches and breakfasts. Moreover, the bill adds multiple new requirements while failing to reimburse these additional costs. The Senate bill is actually less supportable than the House version of the child nutrition bill. As a result, the nation's school administrators, school boards, and big city school districts recommend passing a simple extension of current law.

School districts recognize the importance of providing healthy meals and snack options for school children, and support updating the nutritional standards for the National School Lunch and Breakfast Programs. But, school districts continue to financially subsidize the federal meals program at the expense of our primary responsibility, our students' educational program.

U.S. Department of Agriculture studies document that school districts' cost of providing free lunches exceeds the federal reimbursement by over thirty cents per meal, or an annual cost of \$54,000 for school districts serving 1,000 students daily—the equivalent cost of retaining a teacher. In high cost areas, the un-reimbursed cost can be significantly more. The numerous new requirements in S. 3307 will exacerbate these operational concerns, and drive school districts' budgets further in the hole. Notably, none of the interest groups or celebrities promoting this bill bears the governmental and legal responsibility of school district officials to deliver services with an annual balanced budget.

School districts simply request that Congress pay for the costs of the federal free and reduced priced school meals, and refrain from imposing new federal requirements particularly in this economic environment. Much attention has been directed to the use of food stamp funds (SNAP) to pay for or offset the cost of the Senate's Child Nutrition bill. Unfortunately, little attention has been focused on the drain of local school district funds to pay for or offset the continuing unfunded costs of the federal free and reduced-priced school meals. We, therefore, recommend a "no" vote on S. 3307 and passage of a simple extension of the current programs.

Sincerely,

NOELLE ELLERSON,  
*American Association  
of School Adminis-  
trators.*

JEFF SIMERING,  
*Council of the Great  
City Schools.*

LUCY GETTMAN,  
*National School  
Boards Association.*

I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from California (Mr. FARR).

(Mr. FARR asked and was given permission to revise and extend his remarks.)

Mr. FARR. Madam Speaker, I would like to, first of all, praise the grand-

mother leadership of Speaker PELOSI and the leader of the committee, GEORGE MILLER. There are no two legislators in the history of the United States Congress who have done more for children than NANCY PELOSI and GEORGE MILLER, and I am really proud to come down and support the bill that they are supporting.

Look, the largest cost to the United States Government is health care. It's a no-brainer that, if you want to cut the costs of government, you have got to invest in wellness. The biggest investment in wellness is children. We can't just be concerned with what we are putting in their minds without being equally concerned with what we are putting in their stomachs. You can't grow a healthy America without nutrition, and we have paid little attention to it.

This bill is the start—it is the beginning—of better wellness in America and of healthier kids with healthier minds so that we can grow to be a competitive country and a healthy country and can bring down the costs of government.

For you who are opposing this bill, it's nonsensical. It's one of those issues where you raise the cost of everything but have no understanding of the value of what you are trying to defeat. The value is a healthier America. That brings down costs.

It is important that we get fresh grown vegetables and fresh grown fruit into our classrooms and get away from all of this processed stuff. Obesity is a huge problem in America. Kids can't qualify to get into the military. Diabetes, which is one of the fastest growing diseases, can be prevented, and it starts with this. It starts with this.

This is a good bill. We ought to all support it just like all the Senators have supported it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. DEGETTE). Members are reminded to address their remarks to the Chair.

Mr. KLINE of Minnesota. Madam Speaker, I continue to reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Speaker, I yield myself 1 minute.

The suggestion has been made by speakers on the other side that somehow this really isn't about a child nutrition bill, that somehow this isn't about child nutrition and the well-being of our schoolchildren.

The fact of the matter is that's what this bill is all about, and that's what this bill is directed to do. That's why it has received the support of the American Dental Association, the American Diabetes Association, the American Dietetic Association, the American Public Health Association, and the American School Health Association. These are the people who are intimately involved with the health of America's young children. These are the people who are with them in school settings. They see what happens when children

don't have proper nutrition throughout the day, and they see the impact it has on their ability to learn, on their ability to focus, and on their ability to participate in class.

□ 1410

That's why this legislation is so important. That's why it has such broad support in the entire nutritional community, in the health care community, in the religious community, in the farm community, and in our urban communities, because they understand the importance of this to the well-being of these children and to the budget of our Nation when we have spent over \$147 billion dealing with obesity and diabetes in our society, and we know that it starts, much of it, with a bad diet.

Madam Speaker, I yield 2 minutes to the gentlewoman from California, Ms. BARBARA LEE, the chair of the Congressional Black Caucus.

Ms. LEE of California. Let me first thank the chairman for his leadership and for yielding and for his long-standing commitment and support for child nutrition programs and for our children.

On behalf of the Congressional Black Caucus, first of all I want to thank our Speaker, Congresswoman DELAURO, and, again, Chairman MILLER for their leadership. I have to thank the First Lady for her commitment to child nutrition and for launching the Let's Move program to fight childhood obesity. This program supports the First Lady's goal by reauthorizing and expanding our child nutrition programs to provide healthy, nutritious meals to our Nation's needy children.

The Census Bureau's latest poverty statistics show that poverty is rampant throughout America in both Democratic and Republican districts.

Let me just say, Madam Speaker, I personally know the value of these child nutrition programs. When I was a single mother on public assistance, raising two sons and going to college, I relied on school lunch programs for my children and I was on food stamps. This was really the only way, mind you, that I could feed my kids during some very difficult times.

Unfortunately, this bill, however, feeds low-income children at the expense of the food stamp program. I know that the President and First Lady share this concern—I know Chairman MILLER, our Speaker, Congresswoman DELAURO, the entire body shares this concern—and I know that the President will do everything that he can do to restore these unconscionable cuts, as he guaranteed to us yesterday. He has a deep commitment to our children and to our families, and his leadership on this bill really does demonstrate that.

Today, more people are falling into poverty. Unemployment is at 9.6 percent, and double that in the black and Latino communities. We've got record foreclosures, and we still haven't

passed an unemployment insurance compensation benefit package. We haven't extended this for those who desperately need help.

Addressing the deficit on the backs of the poor while arguing for a \$700 billion tax cut for the wealthy is really not who we are as a country. So I urge my colleagues on both sides of the aisle to join us, to join the CBC in supporting this bill.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. GEORGE MILLER of California. Madam Speaker, I yield the gentlewoman 30 additional seconds.

Ms. LEE of California. Thank you, Mr. Chairman.

This really should not be a Republican or a Democratic or a Green or an Independent issue. Providing a safety net for those in need during dire economic times is a moral and ethical responsibility that we have.

The Congressional Black Caucus, of course, has always been known as the "conscience of the Congress," and we recognize that, while not perfect, this is a bill that will create healthier children, healthier families, and a healthier country.

And so we thank President Obama, Speaker PELOSI, Chairman MILLER, and our leadership team for moving this bill forward, and we look forward to continuing to work with you to restore the cuts which have been made to the food stamp program.

[From the Census Bureau]

#### UNITED STATES—CONGRESSIONAL DISTRICTS BY STATE; AND FOR PUERTO RICO (111TH CONGRESS)

GCT1701. Percent of People Below Poverty Level in the Past 12 Months (For Whom Poverty Status Is Determined)

Universe: Population for whom poverty status is determined

Data Set: 2009 American Community Survey 1-Year Estimates

Survey: American Community Survey, Puerto Rico Community Survey

NOTE—FOR INFORMATION ON CONFIDENTIALITY PROTECTION, SAMPLING ERROR, NONSAMPLING ERROR, AND DEFINITIONS, SEE SURVEY METHODOLOGY.

Geographic area	Percent	Margin of error
United States	14.3	±0.1
Alabama	17.5	±0.5
District 1	18.1	±1.3
District 2	19.9	±1.4
District 3	19.6	±1.4
District 4	18.4	±1.4
District 5	13.0	±1.1
District 6	9.1	±1.0
District 7	26.7	±1.6
Alaska	9.0	±0.8
One District (At Large)	9.0	±0.8
Arizona	16.5	±0.4
District 1	20.1	±1.5
District 2	11.0	±0.9
District 3	12.7	±1.6
District 4	31.8	±2.2
District 5	12.2	±1.2
District 6	10.0	±1.2
District 7	23.2	±1.9
District 8	13.3	±1.4
Arkansas	18.8	±0.6
District 1	21.7	±1.2
District 2	15.4	±1.4
District 3	17.5	±1.3
District 4	21.4	±1.3
California	14.2	±0.2
District 1	15.0	±1.1
District 2	15.8	±1.2
District 3	9.6	±1.0
District 4	8.5	±0.9

NOTE—FOR INFORMATION ON CONFIDENTIALITY PROTECTION, SAMPLING ERROR, NONSAMPLING ERROR, AND DEFINITIONS, SEE SURVEY METHODOLOGY.—Continued

Geographic area	Percent	Margin of error
District 5	21.1	±1.7
District 6	8.7	±0.9
District 7	12.0	±1.5
District 8	12.7	±1.1
District 9	15.6	±1.5
District 10	8.3	±1.1
District 11	8.2	±1.1
District 12	5.9	±0.8
District 13	7.6	±1.1
District 14	8.3	±1.0
District 15	7.5	±1.0
District 16	12.6	±1.5
District 17	17.5	±1.7
District 18	23.9	±1.7
District 19	15.7	±1.5
District 20	29.9	±1.9
District 21	20.2	±1.5
District 22	15.9	±1.4
District 23	16.4	±1.2
District 24	8.8	±1.0
District 25	16.4	±1.5
District 26	6.7	±1.0
District 27	12.4	±1.5
District 28	18.4	±1.5
District 29	12.0	±1.3
District 30	10.0	±1.0
District 31	26.2	±1.7
District 32	15.4	±1.4
District 33	20.6	±1.3
District 34	25.5	±2.2
District 35	20.6	±1.6
District 36	11.8	±1.4
District 37	20.9	±1.8
District 38	13.9	±1.6
District 39	14.3	±1.3
District 40	11.0	±1.4
District 41	17.4	±1.3
District 42	5.4	±1.0
District 43	21.0	±1.9
District 44	11.2	±1.3
District 45	14.7	±1.3
District 46	8.9	±1.1
District 47	18.6	±1.7
District 48	7.3	±0.9
District 49	11.5	±1.1
District 50	8.5	±1.1
District 51	17.4	±1.5
District 52	10.4	±1.4
District 53	19.1	±1.8
Colorado	12.9	±0.4
District 1	18.8	±1.4
District 2	11.6	±1.2
District 3	14.0	±1.1
District 4	16.0	±1.3
District 5	11.6	±1.0
District 6	4.7	±0.7
District 7	15.3	±1.5
Connecticut	9.4	±0.5
District 1	10.2	±1.0
District 2	6.9	±0.7
District 3	10.7	±1.1
District 4	9.5	±1.1
District 5	9.7	±1.0
Delaware	10.8	±1.1
One District (At Large)	10.8	±1.1
District of Columbia	18.4	±1.6
Delegate District	18.4	±1.6
Florida	14.9	±0.2
District 1	16.4	±1.5
District 2	19.1	±1.3
District 3	26.3	±1.9
District 4	11.9	±1.2
District 5	14.2	±1.1
District 6	14.3	±1.2
District 7	13.0	±1.0
District 8	13.0	±1.1
District 9	11.1	±1.6
District 10	11.7	±1.2
District 11	20.9	±1.3
District 12	17.0	±1.3
District 13	13.8	±1.1
District 14	11.6	±1.1
District 15	12.9	±1.2
District 16	14.3	±1.2
District 17	23.5	±1.6
District 18	18.0	±1.2
District 19	10.9	±1.2
District 20	10.7	±1.9
District 21	14.5	±1.4
District 22	11.5	±1.4
District 23	23.9	±1.9
District 24	9.7	±0.9
District 25	14.2	±1.7
Georgia	16.5	±0.4
District 1	19.4	±1.5
District 2	25.3	±1.7
District 3	11.5	±1.0
District 4	19.0	±1.6
District 5	20.9	±1.8
District 6	7.4	±0.9
District 7	11.4	±1.1
District 8	18.3	±1.4
District 9	16.6	±1.5
District 10	20.0	±1.3
District 11	13.0	±1.2
District 12	21.9	±1.4
District 13	15.3	±1.4
Hawaii	10.4	±0.7

NOTE—FOR INFORMATION ON CONFIDENTIALITY PROTECTION, SAMPLING ERROR, NONSAMPLING ERROR, AND DEFINITIONS, SEE SURVEY METHODOLOGY.—Continued

Geographic area	Percent	Margin of error
District 1	9.4	±0.9
District 2	11.3	±1.2
Idaho	14.3	±0.8
District 1	14.2	±1.1
District 2	14.3	±1.0
Illinois	13.3	±0.3
District 1	23.0	±1.8
District 2	20.9	±1.7
District 3	10.9	±1.5
District 4	20.9	±1.5
District 5	12.2	±1.4
District 6	6.9	±1.1
District 7	24.0	±1.6
District 8	6.8	±1.0
District 9	13.6	±1.4
District 10	7.1	±1.0
District 11	11.3	±1.0
District 12	18.7	±1.2
District 13	5.0	±0.9
District 14	9.8	±1.0
District 15	16.4	±1.4
District 16	12.8	±1.0
District 17	15.2	±1.2
District 18	12.2	±1.0
District 19	11.9	±0.8
Indiana	14.4	±0.4
District 1	13.4	±1.1
District 2	16.3	±1.3
District 3	12.8	±1.1
District 4	11.2	±0.9
District 5	9.2	±0.9
District 6	15.7	±1.2
District 7	24.0	±1.7
District 8	14.6	±1.2
District 9	14.3	±0.9
Iowa	11.8	±0.4
District 1	12.0	±1.1
District 2	13.3	±1.2
District 3	11.0	±1.1
District 4	10.5	±0.8
District 5	12.1	±1.1
Kansas	13.4	±0.6
District 1	12.8	±1.1
District 2	15.9	±1.0
District 3	11.8	±1.0
District 4	13.1	±1.2
Kentucky	18.6	±0.5
District 1	17.7	±1.2
District 2	16.6	±1.3
District 3	15.7	±1.3
District 4	14.8	±1.1
District 5	28.9	±1.8
District 6	18.4	±1.2
Louisiana	17.3	±0.5
District 1	12.7	±1.3
District 2	23.0	±1.8
District 3	15.1	±1.3
District 4	17.5	±1.3
District 5	21.2	±1.4
District 6	15.6	±1.4
District 7	17.7	±1.4
Maine	12.3	±0.7
District 1	9.2	±0.9
District 2	15.6	±1.0
Maryland	9.1	±0.3
District 1	8.2	±0.7
District 2	11.0	±1.2
District 3	10.0	±1.1
District 4	7.1	±1.2
District 5	5.5	±0.8
District 6	8.3	±0.8
District 7	15.5	±1.4
District 8	7.9	±1.0
Massachusetts	10.3	±0.3
District 1	12.3	±1.0
District 2	12.4	±1.1
District 3	9.7	±1.0
District 4	9.7	±1.0
District 5	10.4	±1.2
District 6	7.1	±0.8
District 7	8.3	±0.9
District 8	18.1	±1.4
District 9	7.8	±1.1
District 10	7.1	±0.9
Michigan	16.2	±0.3
District 1	15.3	±1.0
District 2	14.8	±1.0
District 3	14.6	±1.1
District 4	17.5	±1.1
District 5	20.6	±1.3
District 6	17.5	±1.1
District 7	13.6	±1.1
District 8	12.2	±1.2
District 9	9.8	±1.0
District 10	10.6	±1.0
District 11	7.9	±1.1
District 12	13.7	±1.3
District 13	31.9	±2.0
District 14	30.5	±2.1
District 15	15.2	±1.1
Minnesota	11.0	±0.3
District 1	11.2	±0.9
District 2	6.4	±0.8
District 3	6.5	±1.0
District 4	14.7	±1.3
District 5	17.0	±1.3
District 6	7.6	±0.9
District 7	12.0	±0.8

NOTE—FOR INFORMATION ON CONFIDENTIALITY PROTECTION, SAMPLING ERROR, NONSAMPLING ERROR, AND DEFINITIONS, SEE SURVEY METHODOLOGY.—Continued

Geographic area	Percent	Margin of error
District 8	14.1	±1.0
Mississippi	21.9	±0.6
District 1	19.3	±1.1
District 2	30.3	±1.7
District 3	20.5	±1.3
District 4	18.7	±1.6
Missouri	14.6	±0.4
District 1	20.1	±1.6
District 2	4.8	±0.7
District 3	12.7	±1.2
District 4	14.8	±1.1
District 5	16.0	±1.5
District 6	10.8	±0.9
District 7	18.0	±1.4
District 8	20.5	±1.4
District 9	15.1	±1.2
Montana	15.1	±1.0
One District (At Large)	15.1	±1.0
Nebraska	12.3	±0.6
District 1	13.1	±1.0
District 2	11.2	±1.1
District 3	12.8	±0.9
Nevada	12.4	±0.7
District 1	15.9	±1.4
District 2	12.6	±1.2
District 3	9.3	±1.1
New Hampshire	8.5	±0.6
District 1	8.9	±1.0
District 2	8.1	±0.9
New Jersey	9.4	±0.3
District 1	11.0	±1.1
District 2	11.5	±1.1
District 3	6.3	±0.9
District 4	7.9	±1.0
District 5	4.4	±0.7
District 6	9.6	±1.1
District 7	4.3	±0.7
District 8	14.5	±1.3
District 9	9.2	±1.1
District 10	17.3	±1.5
District 11	3.5	±0.6
District 12	6.1	±1.0
District 13	17.3	±1.6
New Mexico	18.0	±1.0
District 1	16.7	±1.4
District 2	21.6	±1.9
District 3	15.8	±1.3
New York	14.2	±0.2
District 1	5.8	±1.0
District 2	4.8	±0.9
District 3	4.3	±0.8
District 4	6.4	±0.8
District 5	11.2	±1.0
District 6	11.6	±1.4
District 7	17.3	±1.4
District 8	16.3	±1.3
District 9	11.6	±1.1
District 10	25.1	±1.6
District 11	20.1	±1.7
District 12	25.1	±1.4
District 13	11.3	±1.2
District 14	9.7	±1.0
District 15	25.0	±1.9
District 16	38.0	±2.2
District 17	15.7	±1.1
District 18	8.8	±1.2
District 19	8.3	±1.0
District 20	8.8	±0.9
District 21	13.0	±1.0
District 22	15.7	±1.3
District 23	14.5	±1.0
District 24	13.9	±1.0
District 25	12.4	±1.0
District 26	9.4	±1.0
District 27	14.7	±1.1
District 28	20.9	±1.4
District 29	11.0	±0.9
North Carolina	16.3	±0.3
District 1	25.2	±1.2
District 2	17.8	±1.5
District 3	14.2	±1.2
District 4	10.6	±1.0
District 5	13.3	±1.2
District 6	13.5	±1.6
District 7	20.8	±1.4
District 8	18.2	±1.4
District 9	10.4	±1.1
District 10	15.9	±1.2
District 11	16.6	±1.6
District 12	21.6	±1.3
District 13	16.6	±1.3
North Dakota	11.7	±0.8
One District (At large)	11.7	±0.8
Ohio	15.2	±0.3
District 1	17.8	±1.1
District 2	10.8	±1.1
District 3	13.0	±1.1
District 4	14.1	±1.2
District 5	13.1	±1.0
District 6	16.8	±1.3
District 7	14.9	±1.4
District 8	13.9	±1.1
District 9	16.8	±1.3
District 10	15.2	±1.2
District 11	26.3	±1.6
District 12	13.3	±1.1
District 13	14.5	±1.2
District 14	9.0	±1.3

NOTE—FOR INFORMATION ON CONFIDENTIALITY PROTECTION, SAMPLING ERROR, NONSAMPLING ERROR, AND DEFINITIONS, SEE SURVEY METHODOLOGY.—Continued

Geographic area	Percent	Margin of error
District 15	18.6	±1.3
District 16	12.9	±1.2
District 17	18.5	±1.4
District 18	17.4	±1.2
Oklahoma	16.2	±0.5
District 1	14.1	±1.2
District 2	20.3	±1.2
District 3	15.5	±1.0
District 4	12.9	±1.0
District 5	18.4	±1.3
Oregon	14.3	±0.5
District 1	11.2	±1.2
District 2	15.4	±1.1
District 3	13.9	±1.4
District 4	17.4	±1.2
District 5	13.7	±1.0
Pennsylvania	12.5	±0.2
District 1	28.9	±1.7
District 2	24.7	±1.9
District 3	13.5	±1.0
District 4	8.3	±0.9
District 5	15.8	±1.1
District 6	7.4	±0.8
District 7	6.4	±0.8
District 8	3.9	±0.6
District 9	12.5	±0.9
District 10	12.0	±0.9
District 11	13.3	±1.2
District 12	15.3	±1.0
District 13	10.4	±1.2
District 14	20.3	±1.5
District 15	10.0	±0.9
District 16	11.6	±1.2
District 17	10.6	±1.0
District 18	8.0	±1.0
District 19	7.5	±0.7
Rhode Island	11.5	±0.8
District 1	11.9	±1.1
District 2	11.1	±1.2
South Carolina	17.1	±0.5
District 1	14.1	±1.0
District 2	12.3	±1.0
District 3	19.3	±1.2
District 4	15.6	±1.2
District 5	18.5	±1.2
District 6	24.4	±1.5
South Dakota	14.2	±1.0
One District (At Large)	14.2	±1.0
Tennessee	17.1	±0.4
District 1	19.2	±1.2
District 2	14.2	±1.1
District 3	18.4	±1.2
District 4	17.8	±1.2
District 5	16.0	±1.5
District 6	15.1	±1.2
District 7	10.4	±1.1
District 8	20.5	±1.3
District 9	24.8	±1.9
Texas	17.2	±0.2
District 1	17.1	±1.3
District 2	13.8	±1.1
District 3	11.0	±1.2
District 4	13.8	±1.2
District 5	14.4	±1.5
District 6	14.3	±1.5
District 7	8.2	±1.0
District 8	13.8	±1.1
District 9	22.2	±1.9
District 10	11.1	±1.0
District 11	15.3	±1.0
District 12	14.0	±1.5
District 13	15.1	±1.2
District 14	12.7	±1.1
District 15	32.0	±1.8
District 16	23.3	±1.7
District 17	20.8	±1.3
District 18	26.2	±1.8
District 19	17.7	±1.4
District 20	24.6	±1.8
District 21	10.0	±1.0
District 22	10.3	±1.2
District 23	19.2	±1.5
District 24	9.5	±1.2
District 25	18.1	±1.5
District 26	14.1	±1.3
District 27	26.9	±1.6
District 28	27.8	±1.9
District 29	24.7	±2.0
District 30	27.8	±1.8
District 31	10.7	±0.9
District 32	17.6	±1.7
Utah	11.5	±0.5
District 1	11.5	±1.0
District 2	10.7	±0.9
District 3	12.3	±1.1
Vermont	11.4	±0.9
One District (At Large)	11.4	±0.9
Virginia	10.5	±0.4
District 1	7.6	±0.9
District 2	8.5	±1.0
District 3	19.1	±1.4
District 4	9.8	±0.8
District 5	16.4	±1.2
District 6	14.0	±1.2
District 7	7.5	±0.7
District 8	8.0	±1.1
District 9	18.1	±1.5
District 10	5.4	±0.9

NOTE—FOR INFORMATION ON CONFIDENTIALITY PROTECTION, SAMPLING ERROR, NONSAMPLING ERROR, AND DEFINITIONS, SEE SURVEY METHODOLOGY.—Continued

Geographic area	Percent	Margin of error
District 11	5.2	±0.9
Washington	12.3	±0.4
District 1	7.6	±1.1
District 2	11.6	±1.1
District 3	12.9	±1.2
District 4	17.6	±1.4
District 5	16.0	±1.1
District 6	15.4	±1.2
District 7	11.6	±1.3
District 8	6.2	±0.8
District 9	12.4	±1.3
West Virginia	17.7	±0.7
District 1	17.1	±1.1
District 2	13.8	±1.2
District 3	22.6	±1.7
Wisconsin	12.4	±0.4
District 1	10.3	±1.1
District 2	13.2	±1.0
District 3	11.9	±0.7
District 4	25.6	±1.7
District 5	5.7	±0.8
District 6	10.5	±0.8
District 7	12.4	±0.7
District 8	10.4	±0.9
Wyoming	9.8	±1.0
One District (At Large)	9.8	±1.0
Puerto Rico	45.0	±0.6
Resident Commissioner District	45.0	±0.6

Source: U.S. Census Bureau, 2009 American Community Survey

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see Accuracy of the Data). The effect of nonsampling error is not represented in these tables.

#### Notes:

While the 2009 American Community Survey (ACS) data generally reflect the November 2008 Office of Management and Budget (OMB) definitions of metropolitan and micropolitan statistical areas, in certain instances the names, codes, and boundaries of the principal cities shown in ACS tables may differ from the OMB definitions due to differences in the effective dates of the geographic entities.

Estimates of urban and rural population, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2000 data. Boundaries for urban areas have not been updated since Census 2000. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization.

#### Explanation of Symbols:

1. An \*\*\* entry in the margin of error column indicates that either no sample observations or too few sample observations were available to compute a standard error and thus the margin of error. A statistical test is not appropriate.

2. An - entry in the estimate column indicates that either no sample observations or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest interval or upper interval of an open-ended distribution.

3. An - following a median estimate means the median falls in the lowest interval of an open-ended distribution.

4. An + following a median estimate means the median falls in the upper interval of an open-ended distribution.

5. An \*\*\*\* entry in the margin of error column indicates that the median falls in the lowest interval or upper interval of an open-ended distribution. A statistical test is not appropriate.

6. An \*\*\*\*\* entry in the margin of error column indicates that the estimate is controlled. A statistical test for sampling variability is not appropriate.

7. An 'N' entry in the estimate and margin of error columns indicates that data for this geographic area cannot be displayed because the number of sample cases is too small.

8. An (X) means that the estimate is not applicable or not available.

Mr. KLINE of Minnesota. Madam Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy as I appreciate his important leadership on the child nutrition program legislation.

In Oregon, we are the third hungriest State in the country, so there is much in this legislation that means a difference immediately to families and children in our State. But indeed, expanding school lunch meal programs to all 50 States, the \$40 million in mandatory farm-to-school funding, these are all elements that everybody ought to rejoice about.



Our children deserve our best, the most nutritious food that we can give them, and sadly that is not the case with school lunch programs, as we all know. This bill, while not as good as the bill, Mr. MILLER, that you originally drafted, will help provide more children with healthy food choices.

I am particularly pleased with the additional farm-to-school funding. This will help children, teachers, and local farmers. This is exactly the sort of win-win program we should be focusing on, particularly during difficult economic times.

We all should be troubled by the decrease in the food stamp funding that is used to help deal with the financing deficit in this bill. I hope the administration will indeed work hard with us to find ways to diminish the cut. It is a sad day when the only way we can feed hungry children at school is by taking away food from them at home.

At a time when people are talking with a straight face about borrowing \$4 trillion for tax cuts, including hundreds of billions for the most fortunate of Americans, the notion that we would shortchange our children in this fashion is regrettable. We can do better.

The legislation, as it is, before us is an important first step, and I look forward to building upon this foundation so that we can finally give our children, from coast to coast, the nutrition they need and deserve.

Mr. KLINE of Minnesota. Madam Speaker, I yield myself 1 minute.

The speakers on my side of the aisle have expressed concern, as indeed I did, about the pay-for here. This bill proposes to take money from the SNAP program to pay for this, and we have expressed some concern that this is something of a shell game for two reasons. One, it's borrowed money, and if we really want to do some positive things for our children, we should look at not adding billions and trillions more to the debt that they're going to have to pay. But we've had speaker after speaker on the other side of the aisle come down and say things like, The President has assured me that we're not going to actually spend this money or that they're going to work tirelessly to make sure that this pay-for is not in fact the pay-for. So I think the debate has confirmed our suspicion that in fact the promised pay-for is really not there.

Madam Speaker, I am pleased to yield 3 minutes to the gentleman from Utah, a member of the committee, Mr. BISHOP.

Mr. BISHOP of Utah. I appreciate the gentleman from Minnesota allowing me some time.

I come down here in an effort to try and talk, perhaps somewhere balancing this particular act.

There is nothing wrong with child nutrition. There is nothing wrong with trying to provide that kids have the opportunity to be well fed so that they can function in school. There is nothing wrong with the goals or the desires

of those who are sponsoring this legislation. Admittedly, there is something wrong with allowing the Senate to write everything and ignoring what the House did and bringing this here on a closed rule, but that's a process issue.

What I wish to do here today though, more than anything else, is to plead the 10th Amendment. There are great and noble goals within this particular bill, but this body is not the only place in which great and noble goals can be accomplished. When we, in this bill, give the Secretary of Agriculture the unlimited control and authority to determine what is food and what is not, what kids will eat and what they will not, by nature of that action we take away that responsibility from local school boards, from parents, from local administrators who actually do care about those kids to a greater degree than even our compassionate concern on this particular level.

When we, in this bill, now mandate an exercise program in order to get funds for school lunches—once again, there's nothing wrong with making kids go outside and exercise. It's noble, but this is not a school board. Those are the issues in which local government and local schools and parents and administrators and educators on that level, that is a prerogative that they should be making because, I hate to say this, but they do know better to the local initiatives and local needs of their kids.

When you add 17 new Federal programs in this particular bill, you automatically, if nothing else, take away the ability of schools to concentrate on what they think is more significant and more important. When you, in this bill, allow the Federal Government to establish what will be paid for a school lunch, you take, once again, flexibility away from local people to meet the needs of their particular area. There is nothing wrong with the goals and attitude and hopes of this particular bill, but we are not a school board.

□ 1420

That's why they are there. They understand. They care about their kids. They should be empowered to make these kinds of decisions, not mandated on how those decisions should be made.

Like I say, I appreciate the sponsor. I appreciate the leader of this committee. I appreciate his goals. But once again, not every idea has to germinate in Washington, not every concept has to be authorized, funded, and regulated in this particular body. I plead the 10th Amendment.

Mr. GEORGE MILLER of California. I yield 2½ minutes to the gentlewoman from Connecticut, ROSA DELAURO and thank her publicly for all of her work on this legislation and on behalf of our children.

Ms. DELAURO. I thank the gentleman from California. I thank him for his entire career as a Member of this House of Representatives and in the past as being a leading champion

on what happens to our kids, their well-being, their nutrition, and their best interests. And this bill is another example of his commitment to that effort.

The Hunger-Free Kids Act represents an overdue, a much-needed recommitment to the health and the well-being of our schoolchildren. Our kids today are threatened by a growing obesity epidemic. Far too many kids are struggling and families are struggling with gnawing and unyielding hunger.

Today, people want to talk about "food insecurity" and "food hardship." Don't let them use those nice words. It's about one out of four kids going hungry in the United States of America every single day. We have an opportunity to move forward to address that issue today.

The Hunger-Free Kids Act will add 115,000 new students into the school meals program by using Medicaid data to certify eligible kids. It will provide an additional 21 million meals a year by reimbursing providers for after-school meals to low-income children.

While expanding access to meal programs, the bill works to improve the nutritional quality of all of the food in our schools. It sets national nutrition standards. We're going to get junk food that infiltrates our classrooms and cafeterias out the door. For the schools that comply with the revised nutrition standards, it says that there's a first time reimbursement rate increase. Six cents a meal is what we're talking about. The first we've seen in over 30 years. And it does it—all of this that it does is all being fully paid for.

I ask my colleagues on both sides of the aisle: How many programs that get passed in this Congress are fully paid for? We are paying in order to feed our kids.

Our kids consume roughly 35 to 50 percent of their daily calories during the school day. We can pass this bill. They will get enough nutritious food to stay healthy, to grow, to learn, and to succeed. For those who say how can we afford this bill right now, we say how can we afford not to pass it?

Leaving millions of children hungry, leaving millions of children malnourished in the name of budget cutting is penny wise, it's pound foolish, and it is unconscionable. Vote for this bill.

Mr. KLINE of Minnesota. I continue to reserve my time.

Mr. GEORGE MILLER of California. Madam Speaker, I yield 1 minute to the gentlewoman from California (Ms. RICHARDSON).

Ms. RICHARDSON. Thank you, Mr. Chairman.

Madam Speaker, this is a very important bill to all of us. When we look at what's happening right now in the United States of America, nearly 5 million women, infants, and children rely upon Federal nutrition programs such as the National School Lunch Program, the WIC programs, and the Child and Adult Care Program.

No one has worked harder than our chairman here, Mr. MILLER, to be able

to protect the American people who are oftentimes struggling between choosing between food and any other of their priorities that they have.

The key reasons why I'm supporting this bill: It increases the school lunch funding to help schools offer healthier meals; it limits the availability of junk food in our schools; and it leverages our public-private partnerships. But also in honor of our First Lady, who's worked very hard in this area, and this will give the resources we need to make those priorities happen.

I commend our chairman. It's way over time, and we need to get this done so people can eat in these very difficult times.

Mr. KLINE of Minnesota. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the argument that we have been making in the debate today is that this really isn't about dietary guidelines or even school nutrition strategies. The point was made there are a lot of people caring, from local school boards to Members of Congress and certainly the First Lady. It's not a debate about keeping our children healthy and active. We all want to see our children healthy and active. This is a debate about spending and the role of government and the size of government, a debate about whether we're listening to our constituents or not.

Reauthorizing child nutrition should be easy. We should be able to extend these programs and approve them. We should be able to do that without adding to the cost. I'm confident Members on both sides of the aisle would welcome the opportunity to do just that at no new cost to taxpayers. Unfortunately, that option is not on the table today.

Instead, we are voting on yet another bill that calls for the government to grow, expand, to spend more and intrude more, and I am arguing that this bill is in fact not paid for. It's an argument that I made minutes ago.

I would quote from an article, the newspaper yesterday, I think Congress Daily. It says: "Antihunger advocates opposed House consideration of the bill before the election because part of the offset for the bill is a cut in future food stamp benefits. But the Food Research and Action Center said last week that its member groups would support the bill as long as Congress and the Obama administration plan to restore the food stamp cut in future legislation."

We don't know where the pay-for is going to come from. We've got something on paper that says it's going to come out of food stamps, which was money borrowed in the stimulus bill, and yet we really don't know where that's coming from.

So, Madam Speaker, I am arguing that this bill is not what the people want. They want our children to be healthy and active, but they do not want to see government grow. They do not want to see the creation or expansion of 17 new programs. They do not

want to see \$4.5 billion of new spending. This is not what the people want. It's not what they can afford. This is not a bill I can support. I urge my colleagues to vote "no."

I yield back the balance of my time. Mr. GEORGE MILLER of California. I yield myself the balance of my time.

Madam Speaker, Members of the House, first of all, I want to begin by thanking the staffs of the committee on both sides of the aisle. We may not agree on this bill, but we spent a lot of time in this committee on hearings and the presentation of facts and the marshaling of those facts and the drafting of legislation. We had an awful lot of cooperation across the aisle, and I want to thank everybody for that effort.

Specifically, on the majority side, I want to thank Gabrielle Serra, Kara Marchione, Kim Zarish Becknell, Ria Ruiz, Jose Garza, Betsy Kittredge Miller, Melissa Salmanowitz, Denise Forte, and Jody Calemine; and Brian Ronholm from Ms. DELAURO's staff; Keith Stern from Mr. MCGOVERN's staff; and Erik Stallman from the Speaker's staff. All of these individuals were helpful in the negotiations not only here in the House and the presentation of this legislation, but monitoring and looking at what was happening in the Senate where this legislation that we're considering today was not only passed out of the Senate with unanimous consent, but it was also passed out of the committee with unanimous consent, where it was given full consideration, where the hearings were made and built the confidence of the members of that committee on both sides of the aisle and built the confidence obviously on both sides of the aisle in the Senate so that it could pass with unanimous consent.

And why has that happened? Because this legislation deals with and addresses in the most profound way the problem of hunger among our schoolchildren, among poor schoolchildren in this Nation.

□ 1430

But we also address the needs of the various institutions that are involved in delivering this nutrition to these children. And that is to the local school districts, to the local schools. And we have simplified the program. We have made it more efficient. We have taken away much of the redundant activity that they used to have to go through to check the same kid four times a day in four different settings. And we got rid of that to reduce the costs of the program. And we received bipartisan support for that effort.

We also made it safer. Up until this legislation was passed, in many instances schools are the last to know that a food recall has taken place, and that the recall may be taking place where the food for the schools is produced. But because they are not on the list, they are not in the protocols, the schoolchildren are put at risk, as we

have seen in the recent recalls. So it's safer for those children, it's healthier for those children.

The 6-cent increase in the meal program is the first one in 30 years. And it's with the designed purpose to improve the quality of the meal program. I know these children. I have seen these children. I know them through the Diabetics Association. I know them through the programs on obesity. We have a very serious problem. And this is an effort, agreed to by the Pediatrics Association and others, that this is the way to attack it and to start to build a barrier against childhood obesity and adult-onset obesity. And we have got to change that diet. And that's where major, major savings in health care come from.

So this is a bill that has been thought out in its entirety. It's a bill that is respectful of local control. It's respectful of the needs of school settings and their particular situations. We tried to do that. We listened to school food administrators for districts across this country, all of whom had ideas for efficiencies and improvements. And many of those are ingrained in this legislation. So I would hope that my colleagues, when they would come to the floor later to vote on this bill, will vote for this legislation. They will understand it's fully paid for. They will understand that it received unanimous consent in both the committee in the Senate and on the Senate floor.

With that, I urge the passage of this legislation.

#### GENERAL LEAVE

Mr. GEORGE MILLER of California. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on S. 3307.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ENERGY AND COMMERCE,  
Washington, DC, December 1, 2010.

Hon. GEORGE MILLER,  
Chairman, House Committee on Education and Labor, Rayburn House Office Building,  
Washington, DC.

DEAR CHAIRMAN MILLER: I am writing to confirm our understanding regarding S. 3307, the "Healthy, Hunger-Free Kids Act of 2010." The Committee on Energy and Commerce has jurisdictional interest in provisions of the bill. In light of the interest in moving this bill forward promptly, I am not exercising the jurisdiction of the Committee on Energy and Commerce regarding S. 3307, with the understanding that taking this course does not prejudice the Committee's jurisdictional interests and prerogatives on the subject matter of jurisdictional interest contained in this or similar legislation in the future.

I would appreciate your including this letter in the Congressional Record during consideration of the bill on the House floor. Thank you for your cooperation on this matter.

Sincerely,

HENRY A. WAXMAN,  
Chairman.

COMMITTEE ON EDUCATION AND  
LABOR, HOUSE OF REPRESENTA-  
TIVES,

Washington, DC, December 1, 2010.

Hon. HENRY A. WAXMAN,  
Chairman, Committee on Energy and Commerce,  
Rayburn House Office Building, Wash-  
ington, DC.

DEAR CHAIRMAN WAXMAN: I am writing in response to your letter of December 1, 2010, regarding S. 3307, the "Healthy, Hunger-Free Kids Act of 2010." I acknowledge that the Committee on Energy and Commerce has jurisdictional interest in provisions of the bill. In the interest of expeditious passage of this critical legislation, I appreciate your willingness to not assert such jurisdictional interests and understand that such action does not prejudice your Committee's jurisdictional interests in this or similar legislation in the future.

I will submit a copy of your December 1, 2010, letter and this response to the Congressional Record during floor consideration.

Thank you for your cooperation in this matter.

Sincerely,

GEORGE MILLER,  
Chairman.

Ms. HIRONO. Madam Speaker, I rise in support of the Healthy, Hunger-Free Kids Act, S. 3307, the largest Federal effort in 30 years to fight childhood obesity and hunger in Hawaii and nationwide. Our keiki's health is a crucial priority. I will vote to send this landmark child nutrition bill to President Obama for his signature.

We've seen the statistics. Hawaii faced a 15 percent increase in diabetes rates from 2005 to 2009, and 28.5 percent of youth in Hawaii ages 10–17 are obese. Meanwhile, 9.1 percent of Hawaii residents are "food insecure," lacking consistent access to enough food for a healthy and productive life.

The Healthy, Hunger-Free Kids Act will take crucial steps to fight childhood obesity. The new law will authorize a higher reimbursement rate for schools that serve healthier meals. This is the first reimbursement rate increase in 30 years. The law will apply the latest dietary guidelines to all food served in schools, keeping junk food and soda out of vending machines and the cafeteria. Over 100,000 Hawaii students participate in the Federal school lunch program.

I have visited school gardens at several schools in Hawaii, seeing firsthand how Farm-to-School programs can teach children about healthy eating as part of the curriculum. These programs can also help Hawaii farmers get their food into local schools. The new law includes \$40 million in grants for Farm-to-School programs nationwide.

Hungry kids cannot learn. To fight child hunger, the new law will increase reimbursements for programs serving after-school, weekend, and summer meals. The law will also make it easier for schools to automatically enroll students in school lunch and breakfast programs using existing poverty data from Medicaid, foster care, Census, or the Supplementary Nutrition Assistance Program, SNAP, formerly known as food stamps. Currently, schools in many States require families to submit a cumbersome paper application form each year.

The new law also will fund school wellness policies to help schools promote nutrition and physical education. To help new mothers and our youngest children, the bill will support a healthier food packet for over 37,000 Hawaii participants in the Women, Infants and Chil-

dren, WIC, program, integrating support for breastfeeding and the latest research on neonatal nutrition.

I want to acknowledge that this bill is not as strong as I or some of my constituents would have liked. As a member of the House Education and Labor Committee, I voted for a stronger version of the child nutrition bill that maintained Recovery Act support for SNAP, food stamp, benefits and included an innovative amendment to support plant-based and nondairy food in schools. The House bill also included my amendment to increase reimbursement rates for areas such as Hawaii that have higher food costs. I will continue fighting for these initiatives in the future, but the Senate bill before us today is our last, best hope to make crucial improvements in child nutrition this year. Next year's incoming House leadership has expressed clear opposition to these investments in child nutrition.

Mr. STARK. Madam Speaker, I rise to support the Healthy, Hunger-Free Kids Act. This bill addresses the linked problems of child hunger and child obesity by improving child nutrition programs and ensuring that children have increased access to healthy meals in school and at home.

One in four children in this country is at risk of hunger and one in three is overweight or obese. This is an epidemic and we can start to address it by improving our nutrition programs. For the first time in 30 years, this bill will increase the reimbursement for school meals, allowing schools to serve healthier meals. It will also implement national nutrition standards for school food, allow more low-income children to have access to school meals, make foster children automatically eligible for school meal benefits, and promote breastfeeding.

Passing this bill is the right thing to do and we must pass it now or lose this important opportunity to invest in children. I do regret that part of this legislation is paid for with future cuts to the Supplemental Nutrition Assistance Program, SNAP. The benefit cut authorized by this bill will cause a family of four to lose up to \$59 a month out of their limited food budget in 2013. Congress and the President must remain committed to reversing these cuts before they go into effect. I urge the Obama administration to address the gaps in SNAP benefits through all available measures. For example, access to SNAP can be greatly improved by eliminating unnecessary, ineffective procedures, such as the finger imaging used in California, which discourage eligible Americans from applying for benefits.

It is unacceptable that one quarter of America's children are hungry, and that one third are at risk of the health problems associated with obesity. I urge my colleagues to support S. 3307 and stand with me for the health of our children.

Mrs. MCCARTHY of New York. Madam Speaker, I'd like to thank Chairman MILLER for his leadership on this issue.

I'd also like to thank all of our staff who have worked so hard on this bill.

Finally, I'd like to thank the nutrition and anti-hunger groups who have helped raise awareness of this very important issue, including those in my district.

In the Healthy Families and Communities Subcommittee, which I chair, we have worked hard over the last two Congresses on how we should address many important issues through

child nutrition reauthorization, including how we can reduce childhood obesity.

As a nurse for over 30 years, I have seen firsthand the risks and illnesses that can result from obesity.

During our bipartisan subcommittee hearings, committee members have heard testimony about studies that one in five 4-year-olds is obese, that kids have the arteries of middle-aged adults, and that the number of children who take medication for chronic diseases has jumped dramatically.

Some of these reports are shocking, and unfortunately, some are not.

Childhood obesity, diabetes and heart disease are all on the rise in the U.S. and one of the best tools we have to combat these illnesses is our ability to provide wholesome and healthy nutrition to children in school.

Childhood obesity is found in all 50 States, in both young children and adolescents, affecting all social and economic levels.

Low income communities tend to have the highest obesity rates due to factors such as a lack of access to affordable, healthy foods, lack of safe, available venues for physical activity, and a lack of education about nutrition and its benefits.

Furthermore, it has been found that minority children are at the greatest risk for obesity.

There is no silver bullet to solve childhood obesity.

However, the School Breakfast and Lunch programs can make a great impact because they may provide more than 50 percent of a student's food and nutrient intake on school days.

Given the current harsh financial realities for many families in my district and throughout the Nation, schools have an increasingly important role to play in providing children with nutritious food during their days.

I also hear from folks in schools finding it more and more difficult to meet the increased demand for meals with healthy, nutritious and high-quality foods, without adequate funding.

We also know how critical it is to reach the youngest children and infants as soon as possible.

I am proud that this bill contains provisions from bills I have introduced which will promote nutrition and wellness in child care settings, and support breastfeeding for low-income women.

We know that change for adults is hard, but if we start to educate our kids early enough, we can establish lifelong habits and the values of healthy living and wellness for the future.

The bill before us contains provisions which are very important to a great number of children.

While the bill doesn't contain everything our House-passed bill contained, it is a strong, commonsense, and hopefully bipartisan effort to improve access to healthy food for children.

But by taking a comprehensive approach to nutrition, our children, families and communities will all be healthier.

I urge my colleagues to vote yes on this bill.

Mr. GRIJALVA. Madam Speaker, the legislation before us includes many important improvements to the child nutrition programs that millions of our nation's children rely on for daily nutrition. As a result of this bill, it will be easier for children in low-income families to get the meals they need. Just as important, the meals they get will be healthier.

The provisions included in the bill have important ramifications for Latino children in particular. Latino children currently make up more

than one in five children in the U.S. and are the fastest-growing segment of the child population. Latino children are also the hungriest in America—making up almost 40 percent of the children struggling against hunger. They are more than four times as likely as white children to be food insecure and hungry. Ironically, they also have one of the highest risks for obesity.

Latino families often experience barriers to participation in federal programs based on language access issues. The number of children who speak English as a second language has grown over the years and families who struggle with English proficiency are now located in many parts of the country where there is no mechanism in place to meet their language access needs. School districts in these areas need guidance and support to help them communicate effectively with parents who do not speak English fluently. Such guidance and support will ensure that eligible children receive the proper nutrition they need during the day through the school meals program. It is of the utmost importance that all eligible children have access to the federal food assistance programs regardless of what language their parents speak or whether their parents can read. Access to our meal programs is essential no matter what language is spoken at home.

Six years ago, in the last reauthorization of the child nutrition programs, Congress clarified that program administrators must communicate with parents in a manner that they can understand. Congress set a clear standard, but left it to the U.S. Department of Agriculture to implement that standard by explaining to school districts and other program operators what they must do to live up to it. To date, USDA has failed to provide this guidance.

As a result, the 16,000 plus school districts in the U.S. have been left to interpret the statutory terms themselves. While the method of assistance to families may differ across states and localities, the federal standards for the level of service should be consistent. In the absence of federal guidance, it is likely that many school districts will not know that a standard exists and may fail to comply. USDA needs to offer guidance so that there is consistency in implementation around the country. There is no reason why a Romanian-speaking parent in Florida, for example, should have more or less help with applying for school meals than a Romanian-speaking parent in Michigan.

School districts are well-positioned to comply with Congress' requirement. They routinely identify the language spoken in the homes of their students. Moreover, for other school matters, they are already required to communicate with parents in a language they can understand. That standard applies to communications regarding the school meals program as well. But school districts need additional direction and support from USDA and states. I urge USDA to clarify when written translations must be used, when oral interpretation will suffice, and how to communicate with parents with limited literacy.

USDA could also strengthen implementation of Congress' standard by supplementing policy guidance with technical assistance. USDA already provides support by making available school meals enrollment materials in 25 languages. School districts around the country need to know where to find these materials

and how to obtain oral interpretation services if written materials are not available. USDA could identify and share best practices so that school districts in geographic areas that are experiencing an influx of families who do not speak English fluently will have resources to help them best serve all families with children attending their schools.

Moreover, USDA needs to hold school districts accountable for compliance. For example, school districts could be required to have a written plan in place explaining how families with limited English proficiency will be served. Plus, all reviews of state and local program operations should include a review of compliance with the requirements related to communications with households.

It is unfortunate that several years after Congress took action to ensure that communications with families would be understandable to all families, regardless of what language is spoken at home, we still have so far to go. I call on the USDA to take action quickly to fully implement these standards. Every eligible child should be able to get the healthy meals that the federal government provides and language should not be a barrier to good nutrition. Congress, USDA, states, and school districts must continue to work together to make that goal a reality.

Mr. VAN HOLLEN. Madam Speaker, I rise to support the Healthy, Hunger-Free Kids Act of 2010. This important legislation will expand access to school meals programs and improve nutritional quality. It is a much-needed step forward for the health of America's children.

This bill improves access to school meals programs by streamlining certification of children who meet income requirements without burdensome applications. It provides more universal meal access for eligible children in high-poverty areas. And it increases the number of out-of-school meals for low-income children by allowing reimbursement for Child and Adult Care Food Program providers.

The bill also makes important improvements to the quality of school meals by increasing the reimbursement rates for schools for the first time in over 30 years. Additional grants will help communities establish and strengthen farm-to-school networks and school gardens to use more local foods in school cafeterias. And the bill strengthens nutrition standards for all food served in schools.

This bill is not perfect. I am concerned about using the SNAP program as an offset, and I look forward to working with the Administration to restore those funds before cuts take place in 2013. But this bill, which passed the U.S. Senate unanimously, makes important changes to school nutrition programs and will improve the health of our nation's children. I urge my colleagues to support this legislation.

Mr. LANGEVIN. Madam Speaker, I rise in strong support of S. 3307, the Healthy, Hunger-Free Kids Act, which would reauthorize child nutrition programs including the National School Lunch Program, the Child and Adult Care Food Program, and the Special Supplemental Nutrition Program for Women, Infants, and Children.

As a co-chair of the Congressional Olympic and Paralympic Caucus, I have worked to promote physical fitness and a healthy lifestyle for our nation's children. Physical activity and nutrition are key factors in staying healthy and avoiding chronic illness. Because good health

habits begin in childhood, this legislation will go a long way in preventing many chronic diseases.

This bill, which is fully offset, provides greatly needed improvements to our country's child nutrition programs in school and child care settings. This legislation will increase program enrollment and make it easier for low-income children to access benefits. This measure also contains the most significant improvements to these programs in more than 30 years in order to reduce childhood hunger and obesity.

I am also pleased that this legislation establishes national nutrition standards for all foods sold in schools throughout the day—an area in which Rhode Island has led. With 79,000 Rhode Island children participating in the National School Lunch Program and 26,000 participating in the School Breakfast Program, S. 3307 will ensure students do not go hungry throughout the school day by providing access to nutritious meals. This measure also increases funding for school nutrition programs for purchasing fruits, vegetables and nuts, and creates more avenues for produce to flow from local farmers to schools.

While I do not support the elimination of a Supplemental Nutrition Assistance Program temporary benefit increase provided by The American Recovery and Reinvestment Act included in this bill, I will work vigilantly to restore this cut before it goes into effect in 2013.

I encourage all of my colleagues to support this important measure.

Mr. HINOJOSA. Madam Speaker, I rise today in support of S. 3307, the Healthy, Hunger-Free Kids Act of 2010, legislation that will reduce childhood hunger by increasing access to nutritious meals year round, improve the nutritional quality of meals children eat in and outside of school, and support school and community efforts to reduce childhood obesity.

According to the United States Department of Agriculture, USDA, nearly one in four children in the United States is food insecure: that is more than 16 million children who face hunger each day.

In the Rio Grande Valley of south Texas, approximately 85 percent of the students in our region are eligible for Free and Reduced Price Meals under the National School Lunch Program. In the State of Texas, 24.3 percent of children live in food insecure households—the second highest rate in the country—compared to 18.9 percent nationwide, according to 2006–2008 data from USDA and Feeding America.

Childhood obesity is also an issue of great concern for the State of Texas. This critically important issue has been linked to the lack of nutritious foods in our nation's schools and communities. According to a report issued by Trust for America's Health and the Robert Wood Johnson Foundation in 2010, Texas ranked seventh in child obesity among the states. Approximately 20.4 percent of Texas children are obese.

In order to keep health care costs down, our nation must do more to prevent obesity and diabetes in our schools and communities. Reducing the prevalence of obesity and diabetes will have an enormous positive impact on my constituents' quality of life, while making their health care more affordable.

We know that children who are hungry or obese are more likely than their peers to suffer from hyperactivity, absenteeism, and low academic achievement. This bill will help improve child nutrition for millions of children,

particularly for low-income children who need to be healthy and ready to learn to succeed in school.

The passage of S. 3307 is the first step in addressing child nutrition. The second step is restoring cuts to future SNAP benefits.

I urge my colleagues, on both sides of the aisle, to vote for S. 3307, an investment of \$4.5 billion over 10 years that supports our children in thriving physically and academically and in leading healthy lives.

Mr. DEFAZIO. Madam Speaker, as food insecurity and obesity rates grow in Oregon and around the country, increasing access to affordable and nutritious meals for our children inside and outside of school could not come at a better time. Unfortunately, S. 3307, The Healthy, Hunger-Free Kids Act of 2010, is partially offset by cutting future Supplemental Nutrition Assistance Program, SNAP, benefits. While I believe this is important legislation, cutting SNAP benefits for families to pay for a hunger prevention programs is illogical, and isn't something that I could support. Today, a staggering 20 percent of Oregonians rely on SNAP benefits to pay for their basic food needs, which is the fourth-highest participation rate amongst all states.

I wasn't alone in opposing the cuts to SNAP benefits included in S. 3307. I signed a letter to House leadership, with over 100 of my colleagues, expressing our opposition to these cuts. I was hopeful, that by postponing a vote in the House of Representatives on S. 3307, Congress, along with the Administration, could renegotiate the SNAP offset. While the Administration has promised to work to restore lost SNAP benefits, staggering deficits along with new Leadership in the House of Representatives, has created no clear path to reinstating future SNAP benefits.

Meal programs inside and outside of school serve as a direct line to prevent hunger for needy children. I will continue to support child nutrition legislation that doesn't cut critical SNAP benefits.

Mr. DINGELL. Madam Speaker, I rise today to support of S. 3307, the Healthy, Hunger-Free Kids Act of 2010. This legislation has been a priority of the Obama Administration, and in particular the First Lady, because it is the right thing to do. Together the President and the First Lady have started a national conversation about why reducing child hunger and childhood obesity are laudable goals and I commend them for this. While this is not a perfect bill, today the House has the opportunity to send to the President a bill which will make historic investments and significant improvements to child nutrition programs.

For far too many students, the only quality meal they can count on is the one they receive during the school day, which is why I believe this legislation is critical to pass before the end of the 111th Congress. Last year in Michigan, more than 911,000 students counted on the National School Lunch Program to provide them with a meal. With one in five children living in poverty, the need to provide an affordable, healthy meal at school is greater than ever.

Furthermore, at a time when we are facing a growing child obesity epidemic, it is often difficult to find healthful foods in our nation's schools. That is why I support this legislation's goal to raise nutritional standards, increase the federal reimbursement rate for school lunch programs, and reduce availability of

high-calorie junk food which crowds out healthier food options. Our students deserve access to more fresh, local food and healthy options during the school day.

If enacted, this legislation would provide Michigan with \$8,391,000 to improve the nutritional quality of school lunches for low-income children across our State, as well as improve access to programs for school meals. Our schools will now receive an additional 6 cents per meal to help meet new meal standards. In addition, this legislation will help ensure the safety of the meals we are serving our students, by improving recall procedures and extending food safety requirements.

I am, however, gravely concerned though about the Senate's decision to pay for this legislation by using \$2.2 billion in future cuts to the Supplemental Nutrition Assistance Program or food stamp program. With 1.75 million Michigan residents relying on SNAP to put dinner on the table, this cut is irresponsible. It is my hope that President Obama will follow through on his commitment to replace this offset before these SNAP cuts slash food budgets for needy Michigan families.

Madam Speaker, I have often said that we cannot let the perfect be the enemy of the good, which is why I lend my support to today's bill. I hope my colleagues will join with me in passing the Healthy, Hunger-Free Kids Act, sending it to President Obama's desk before Christmas.

Mr. GEORGE MILLER of California. I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired. Pursuant to clause 1(c) of rule XIX, further consideration of this bill is postponed.

#### FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2011

The SPEAKER pro tempore. The unfinished business is the vote on passage of the joint resolution (H.J. Res. 101) making further continuing appropriations for fiscal year 2011, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The vote was taken by electronic device, and there were—yeas 239, nays 178, not voting 16, as follows:

[Roll No. 593]

YEAS—239

Ackerman  
Altmire  
Andrews  
Arcuri  
Baca  
Baird  
Baldwin  
Barrow  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boccheri  
Boren  
Boswell  
Boucher  
Boyd  
Brady (PA)

Braley (IA)  
Brown, Corrine  
Butterfield  
Cao  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chandler  
Childers  
Chu  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Conyers  
Cooper  
Costa

Costello  
Courtney  
Critz  
Crowley  
Cuellar  
Cummings  
Dahlkemper  
Davis (AL)  
Davis (CA)  
Davis (TN)  
DeGette  
DeLauro  
Deutch  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Driehaus  
Edwards (MD)  
Edwards (TX)  
Ellison

Ellsworth  
Engel  
Eshoo  
Etheridge  
Farr  
Fattah  
Filner  
Foster  
Frank (MA)  
Fudge  
Garamendi  
Gonzalez  
Gordon (TN)  
Grayson  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hall (NY)  
Halvorson  
Hare  
Harman  
Heinrich  
Herseth Sandlin  
Higgins  
Hill  
Himes  
Hinchey  
Hinojosa  
Hirono  
Holden  
Holt  
Honda  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson Lee  
(TX)  
Johnson (GA)  
Johnson, E. B.  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kosmas  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin

Lewis (GA)  
Lipinski  
Loebach  
Lofgren, Zoe  
Lowey  
Lujan  
Lynch  
Maffei  
Maloney  
Markey (CO)  
Markey (MA)  
Marshall  
Matheson  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McIntyre  
McMahon  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Michaud  
Miller (NC)  
Miller, George  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Nadler (NY)  
Napitano  
Neal (MA)  
Oberstar  
Obey  
Oliver  
Ortiz  
Owens  
Pallone  
Pascarella  
Pastor (AZ)  
Payne  
Perlmuter  
Perriello  
Peterson  
Pingree (ME)  
Polis (CO)  
Pomeroy  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reyes  
Richardson

NAYS—178

Aderholt  
Adler (NJ)  
Akin  
Alexander  
Austria  
Bachmann  
Bachus  
Bartlett  
Barton (TX)  
Biggert  
Blibray  
Bilirakis  
Bishop (UT)  
Blackburn  
Blunt  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boustany  
Brady (TX)  
Bright  
Brown (GA)  
Brown (SC)  
Buchanan  
Burgess  
Burton (IN)  
Calvert  
Camp  
Campbell  
Cantor  
Capito  
Carter  
Cassidy  
Castle  
Chaffetz  
Coble  
Coffman (CO)

Rodriguez  
Ross  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Salazar  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schauer  
Schiff  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shea-Porter  
Sherman  
Shuler  
Skelton  
Slaughter  
Smith (WA)  
Snyder  
Space  
Stark  
Stupak  
Sutton  
Tanner  
Teague  
Thompson (CA)  
Thompson (MS)  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Wilson (OH)  
Woolsey  
Yarmuth  
Young (AK)

Cole  
Conaway  
Connolly (VA)  
Crenshaw  
Culberson  
Davis (KY)  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Djou  
Dreier  
Duncan  
Ehlers  
Emerson  
Fallin  
Flake  
Fleming  
Forbes  
Fortenberry  
Fox  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Gerlach  
Giffords  
Gingrey (GA)  
Gohmert  
Goodlatte  
Granger  
Graves (GA)  
Graves (MO)  
Griffith  
Guthrie  
Hall (TX)  
Harper  
Heller  
Hensarling

Herger  
Hoekstra  
Hunter  
Inglis  
Issa  
Jenkins  
Johnson (IL)  
Johnson, Sam  
Jones  
Jordan (OH)  
King (IA)  
King (NY)  
Kingston  
Kline (MN)  
Kratovil  
Lamborn  
Lance  
Latham  
LaTourette  
Latta  
Lee (NY)  
Lewis (CA)  
Linder  
LoBiondo  
Lucas  
Luetkemeyer  
Lummis  
Lunnen, Daniel  
E.  
Mack  
Manzullo  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry  
McKeon  
Mica

Miller (FL)	Rehberg	Smith (NJ)
Miller (MI)	Reichert	Smith (TX)
Miller, Gary	Roe (TN)	Stearns
Moran (KS)	Rogers (AL)	Stutzman
Murphy, Tim	Rogers (KY)	Sullivan
Myrick	Rogers (MI)	Taylor
Neugebauer	Rohrabacher	Terry
Nunes	Rooney	Thompson (PA)
Nye	Ros-Lehtinen	Thornberry
Olson	Roskam	Tiahrt
Paul	Royce	Tiberi
Paulsen	Ryan (WI)	Turner
Pence	Scalise	Upton
Peters	Schmidt	Walden
Petri	Schock	Wamp
Pitts	Sensenbrenner	Westmoreland
Platts	Sessions	Whitfield
Poe (TX)	Shadegg	Wilson (SC)
Posey	Shimkus	Wittman
Price (GA)	Shuster	Wolf
Putnam	Simpson	Young (FL)
Reed	Smith (NE)	

## NOT VOTING—16

Barrett (SC)	Hastings (FL)	Radanovich
Brown-Waite,	Hastings (WA)	Speier
Ginny	Hodes	Spratt
Buyer	Marchant	Wu
Davis (IL)	McMorris	
DeFazio	Rodgers	
Delahunt	Minnick	

□ 1503

Messrs. TAYLOR and CONNOLLY of Virginia changed their vote from “yea” to “nay.”

Ms. BEAN changed her vote from “nay” to “yea.”

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### CONGRATULATING REPRESENTATIVE CATHY McMORRIS RODGERS ON BIRTH OF BABY GIRL

(Mr. HASTINGS of Washington asked and was given permission to address the House for 1 minute.)

Mr. HASTINGS of Washington. Madam Speaker and my colleagues, I am very pleased to make a very important announcement: today, a new Republican was born.

Our colleague, CATHY McMORRIS RODGERS, delivered a baby girl this morning at 12:20. The baby weighed nearly 8½ pounds and is over 20 inches. Both the mother and daughter are doing very well, as is Brian.

#### HEALTHY, HUNGER-FREE KIDS ACT OF 2010

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, proceedings will now resume on the bill (S. 3307) to reauthorize child nutrition programs, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1742, the bill is considered read and the previous question is ordered.

The question is on the third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

## MOTION TO RECOMMIT

Mr. KLINE of Minnesota. Madam Speaker, I have a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. KLINE of Minnesota. I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Kline moves to recommit the bill S. 3307 to the Committee on Education and Labor with instructions to report the same back to the House forthwith, with the following amendments:

Amend section 205 to read as follows:

#### SEC. 205. CONDITION OF RECEIPT OF FUNDS UNDER THE CHILD AND ADULT CARE FOOD PROGRAM.

Section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) is amended by adding at the end the following:

“(u) INELIGIBILITY OF INSTITUTIONS.—An institution shall be ineligible for funds under this section if such institution employs a child care staff member who—

“(1) refuses to consent to a criminal background check that includes—

“(A) a search of the State criminal registry or repository in the State where the child care staff member resides and each State where such staff member previously resided;

“(B) a search of State-based child abuse and neglect registries and databases in the State where the child care staff member resides and each State where such staff member previously resided;

“(C) a search of the National Crime Information Center;

“(D) a Federal Bureau of Investigation fingerprint check using the Integrated Automated Fingerprint Identification System; and

“(E) a search of the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.);

“(2) makes a false statement in connection with such criminal background check;

“(3) is registered or is required to be registered on a State sex offender registry or the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.); or

“(4) has been convicted of a felony consisting of—

“(A) homicide;

“(B) child abuse or neglect;

“(C) a crime against children, including child pornography;

“(D) spousal abuse;

“(E) a crime involving rape or sexual assault;

“(F) kidnapping;

“(G) arson; or

“(H) physical assault, battery, or a drug-related offense, committed within the past 5 years.”.

In section 206, strike “(as amended by section 205)”.

Mr. KLINE of Minnesota (during the reading). Madam Speaker, I ask unanimous consent that the motion to recommit be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota is recognized for 5 minutes in support of his motion to recommit.

Mr. KLINE of Minnesota. Madam Speaker, with the clock winding down on the 111th Congress, there seems to

be a rush to push through as many bills at the last minute as this majority can manage. Unfortunately, this sprint to the finish means the sacrifice of the deliberative process. This bill was sent to us from the other body with the demand that we accept it as is; that we cannot change a single comma or period, much less improve the policy.

This is a bill that never received a hearing or vote in the Education and Labor Committee. Not a single amendment was made in order for debate, which means here on the House floor Members were not permitted to even discuss possible improvements to the bill.

This motion to recommit is our last chance to improve the bill, our last chance to remove some of its most harmful provisions and insert stronger protections for our children; and that is exactly what we are attempting to do.

First, to protect the safety of children receiving meals in a child care setting, the motion to recommit requires comprehensive background checks for all child care providers. A comprehensive background check searches various criminal databases housed at the State and Federal levels, as well as the National Sex Offender Registry. With taxpayers subsidizing these programs, parents need the peace of mind that comes with knowing that their children are not being left in the care of individuals with a history of violence, child abuse, or other criminal behavior. In fact, many parents today may wrongly believe these child care providers have been given a background check because of the tacit seal of approval that comes with being a federally funded program. Unfortunately, Federal law contains no comprehensive background check requirement for child care providers that receive funding under these nutrition programs. Currently, only 10 States have a comprehensive system that includes a check of the Child Abuse and Neglect Registry, a check of the Sex Offender Registry, and a State and Federal fingerprint check. Simply checking the fingerprint of a current or future child care worker will help advance the safety of countless children.

Next, the motion to recommit eliminates the middle class tax included in this proposal. Any time the Federal Government forces a private citizen to reach into his or her own pocket and pay more for a good or service, it is a tax by any commonsense definition of the word, and that is exactly what this provision would do. It creates a Federal price floor for paid school lunches, a floor for paid school lunches, forcing many schools to increase the prices they charge the children who do not receive free or reduced price meals.

The National Governors Association and leading school groups have spoken out in opposition to this provision because it will drive up costs for families and punish schools that have worked hard to hold down costs while providing higher quality meals.



□ 1510

In a letter to Congress, the NGA wrote, this provision “would establish a Federal mandate for every paid meal in every school in the country for the first time ever.” They went on to say this will, “price out some low-income families from paid school meals and punish school districts that in good faith have worked to increase the quality of school meals, while simultaneously holding down the paid meal prices.”

Allowing the Federal Government to create price mandates is a dangerous precedent and should not be set. By approving this motion to recommit, we can block this harmful tax on working families. We have thoroughly debated the broader objections to this legislation today, arguing against the spending and mandate, but that is not the debate we’re having now.

This motion to recommit is a modest pair of corrections that will make the bill better. It will make our children safer and protect working families, and I urge my colleagues to support its passage.

I yield back my time.

Mr. GEORGE MILLER of California. Madam Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Madam Speaker, Members of the House, we have known for some time, and certainly known all today, that our colleagues on the other side of the aisle oppose this legislation, and that’s what the gentleman, my colleague, Mr. KLINE, just spoke to, his opposition to this legislation.

They have opposed this legislation even though this legislation is fully paid for under the PAYGO rules. They’ve opposed this legislation even though it passed unanimously out of the Senate committee. They opposed this legislation even though it passed unanimously on the floor of the Senate and was sent to us, because they know that we’re in the last days of this session, and if they can attach something to this legislation, they can kill this bill.

They can kill the years of hard work that have gone into this legislation to make it less expensive for school districts, to make it more flexible for school districts, to make it easier on parents, to make it sure that we have safe meals so, when food is recalled, the school districts will be informed right away. Usually, they’re the last to know that they’re serving dangerous and maybe lethal food on the food recall.

They know that what this bill does is create for the first time healthy meals so we can address the problems of diabetes and obesity that are swamping this Nation’s health care system, that are swamping the health care budgets of families, of businesses, that start with children and have adult onset as a result of that. This effort is endorsed

by the pediatrics association and every other health care association because they understand this is the front line if we’re going to reverse this trend.

So now what have they done, as they’ve talked about the Federal Government, extending the mandate of the Federal Government? The Federal Government is about to swoop in on family day care providers, more family day care providers than any other kind of day care provider in the country, very important in rural areas, very important in poor areas, person takes care of four or five of their neighbors’ friends, they know these people. Now they have a mandate. They have to do a background check. These are marginal operations. Do they have to pay for that? Do they know with certainty who’s going to do that? Who’s going to do that check? And if they’re in a school setting, does the school district pay for it? They’ve got to have a background check. If they’re in a kindergarten as part of a child care program, do they pay for that?

So what they’re trying to do is kill this bill. It wouldn’t matter what this amendment said. If it goes back to the Senate, we’ve struggled all of us mightily, on both sides of the aisle, with the nature of the Senate. But here we have the opportunity to have a major program, to improve the nutrition and flexibility and the health and the safety of this program, and now this is an effort to kill it.

I yield to the majority leader.

Mr. HOYER. I thank the gentleman for yielding.

Ladies and gentlemen, we all want to pursue the legislative process. One of the things that has undermined the legislative process in this House perhaps on both sides is the “gotcha” amendments. This amendment has a worthwhile objective, obviously, of protecting our children. We’re going to give everybody an opportunity to vote on this amendment in just a few short hours, and then we’re going to pass this bill—because the gentleman’s debate had nothing to do with this amendment until the last few seconds of his remarks.

His remarks went to the substance of this bill. He’s opposed to this bill. He said he’s opposed to this bill. This bill passed unanimously. Unanimously means that every Republican, as well as every Democrat, wanted to reach out to provide for child nutrition for America’s children.

This bill, I believe, enjoys the majority’s support on this floor. We’ll pass this bill, and we will pass it tomorrow, but we’re going to give Members on this side of the aisle, as well as on your side of the aisle, an opportunity to pass an amendment that in effect says, okay, if you want to put these regulations on these small providers in these small jurisdictions, fine, we will do it; we want to protect children as much as you do. And I’ve said that during the substance of our debate, that we wanted to protect children, and I’m sure

you want to make sure the children are well fed.

So, my belief is that we will rise now. We will come back on this amendment, which is not related. We’ll give you an opportunity to vote on your amendment, and then we are going to pass this bill and send it to the President of the United States, as the Senate of the United States unanimously voted to do.

Mr. GEORGE MILLER of California. I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of S. 3307 is postponed.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 1217,

H. Res. 1724, both de novo.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

#### HONORING FORT DRUM’S SOLDIERS OF 10TH MOUNTAIN DIVISION

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1217) honoring Fort Drum’s soldiers of the 10th Mountain Division for their past and continuing contributions to the security of the United States, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. OWENS) that the House suspend the rules and agree to the resolution, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

#### RECORDED VOTE

Ms. ESHOO. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 415, noes 0, not voting 18, as follows:

[Roll No. 594]

#### AYES—415

Ackerman	Austria	Barton (TX)
Aderholt	Baca	Bean
Adler (NJ)	Bachmann	Becerra
Akin	Bachus	Berkley
Alexander	Baird	Berman
Altmire	Baldwin	Berry
Andrews	Barrow	Biggert
Arcuri	Bartlett	Bilbray



Bilirakis  
 Bishop (GA)  
 Bishop (NY)  
 Bishop (UT)  
 Blackburn  
 Blumenauer  
 Blunt  
 Boccheri  
 Boehner  
 Bonner  
 Bono Mack  
 Boozman  
 Boren  
 Boswell  
 Boucher  
 Boustany  
 Boyd  
 Brady (PA)  
 Brady (TX)  
 Braley (IA)  
 Bright  
 Broun (GA)  
 Brown (SC)  
 Brown, Corrine  
 Buchanan  
 Burgess  
 Burton (IN)  
 Butterfield  
 Calvert  
 Camp  
 Campbell  
 Cantor  
 Cao  
 Capito  
 Capps  
 Capuano  
 Cardoza  
 Carnahan  
 Carney  
 Carson (IN)  
 Carter  
 Cassidy  
 Castle  
 Castor (FL)  
 Chaffetz  
 Chandler  
 Childers  
 Chu  
 Clarke  
 Clay  
 Cleaver  
 Clyburn  
 Coble  
 Coffman (CO)  
 Conyers  
 Cooper  
 Costello  
 Courtney  
 Crenshaw  
 Critz  
 Crowley  
 Cuellar  
 Culberson  
 Cummings  
 Dahlkemper  
 Davis (AL)  
 Davis (CA)  
 Davis (KY)  
 Davis (TN)  
 DeGette  
 DeLauro  
 Dent  
 Deutch  
 Diaz-Balart, L.  
 Diaz-Balart, M.  
 Dicks  
 Djou  
 Doggett  
 Donnelly (IN)  
 Doyle  
 Dreier  
 Driehaus  
 Duncan  
 Edwards (MD)  
 Edwards (TX)  
 Ehlers  
 Ellison  
 Ellsworth  
 Emerson  
 Engel  
 Eshoo  
 Fallin  
 Farr  
 Fattah

Filner  
 Flake  
 Fleming  
 Forbes  
 Fortenberry  
 Foster  
 Foxx  
 Frank (MA)  
 Franks (AZ)  
 Frelinghuysen  
 Fudge  
 Gallegly  
 Garamendi  
 Garrett (NJ)  
 Gerlach  
 Giffords  
 Gingrey (GA)  
 Gohmert  
 Gonzalez  
 Goodlatte  
 Gordon (TN)  
 Granger  
 Graves (GA)  
 Graves (MO)  
 Grayson  
 Green, Al  
 Green, Gene  
 Griffith  
 Grijalva  
 Guthrie  
 Gutierrez  
 Hall (NY)  
 Hall (TX)  
 Halvorson  
 Hare  
 Harman  
 Harper  
 Hastings (WA)  
 Heinrich  
 Heller  
 Hensarling  
 Herger  
 Herseth Sandlin  
 Higgins  
 Hill  
 Himes  
 Hinchey  
 Hinojosa  
 Hirono  
 Hoekstra  
 Holden  
 Holt  
 Honda  
 Hoyer  
 Hunter  
 Inglis  
 Inslee  
 Israel  
 Issa  
 Jackson (IL)  
 Jackson Lee  
 (TX)  
 Jenkins  
 Johnson (GA)  
 Johnson (IL)  
 Johnson, E. B.  
 Johnson, Sam  
 Jones  
 Jordan (OH)  
 Kagen  
 Kanjorski  
 Kaptur  
 Kildee  
 Kilpatrick (MI)  
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 Kind  
 King (IA)  
 King (NY)  
 Kingston  
 Kirkpatrick (AZ)  
 Kissell  
 Klein (FL)  
 Kline (MN)  
 Kosmas  
 Kratovil  
 Kucinich  
 Lamborn  
 Lance  
 Langevin  
 Larsen (WA)  
 Larson (CT)  
 Latham  
 LaTourette  
 Latta  
 Lee (CA)  
 Lee (NY)  
 Levin  
 Lewis (CA)  
 Lewis (GA)

Linder  
 Lipinski  
 LoBiondo  
 Loebsack  
 Lofgren, Zoe  
 Lowey  
 Lucas  
 Luetkemeyer  
 Luján  
 Lummis  
 Lungren, Daniel  
 E.  
 Lynch  
 Mack  
 Maffei  
 Maloney  
 Manzullo  
 Markey (CO)  
 Markey (MA)  
 Marshall  
 Matheson  
 Matsui  
 McCarthy (CA)  
 McCarthy (NY)  
 McCaul  
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 McCotter  
 McDermott  
 McGovern  
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 Meek (FL)  
 Meeks (NY)  
 Melancon  
 Mica  
 Michaud  
 Miller (FL)  
 Miller (MI)  
 Miller (NC)  
 Miller, Gary  
 Miller, George  
 Mitchell  
 Mollohan  
 Moore (KS)  
 Moore (WI)  
 Moran (KS)  
 Moran (VA)  
 Murphy (CT)  
 Murphy (NY)  
 Murphy, Patrick  
 Murphy, Tim  
 Myrick  
 Nadler (NY)  
 Napolitano  
 Neal (MA)  
 Neugebauer  
 Nunes  
 Nye  
 Oberstar  
 Obey  
 Olson  
 Oliver  
 Ortiz  
 Owens  
 Pallone  
 Pascarell  
 Pastor (AZ)  
 Paul  
 Paulsen  
 Payne  
 Pence  
 Perlmutter  
 Perriello  
 Peters  
 Peterson  
 Petri  
 Pingree (ME)  
 Pitts  
 Platts  
 Poe (TX)  
 Polis (CO)  
 Pomeroy  
 Posey  
 Price (GA)  
 Price (NC)  
 Putnam  
 Quigley  
 Rahall  
 Rangel  
 Reed  
 Rehberg  
 Reichert  
 Reyes  
 Richardson  
 Rodriguez

Roe (TN)  
 Rogers (AL)  
 Rogers (KY)  
 Rogers (MI)  
 Rohrabacher  
 Rooney  
 Ros-Lehtinen  
 Roskam  
 Ross  
 Rothman (NJ)  
 Roybal-Allard  
 Royce  
 Ruppersberger  
 Rush  
 Ryan (OH)  
 Ryan (WI)  
 Salazar  
 Sánchez, Linda  
 T.  
 Sanchez, Loretta  
 Sarbanes  
 Scalise  
 Schakowsky  
 Schauer  
 Schiff  
 Schmidt  
 Schock  
 Schrader  
 Schwartz  
 Scott (GA)  
 Scott (VA)  
 Sensenbrenner  
 Serrano

Sestak  
 Shadegg  
 Shea-Porter  
 Sherman  
 Shimkus  
 Shuler  
 Shuster  
 Simpson  
 Sires  
 Skelton  
 Slaughter  
 Smith (NE)  
 Smith (NJ)  
 Smith (TX)  
 Smith (WA)  
 Snyder  
 Space  
 Spratt  
 Stark  
 Stearns  
 Stupak  
 Stutzman  
 Sullivan  
 Sutton  
 Tanner  
 Taylor  
 Teague  
 Terry  
 Thompson (CA)  
 Thompson (MS)  
 Thompson (PA)  
 Thornberry  
 Tiahrt

Tiberi  
 Tierney  
 Titus  
 Tonko  
 Towns  
 Tsongas  
 Turner  
 Upton  
 Van Hollen  
 Velázquez  
 Visclosky  
 Walden  
 Walz  
 Wamp  
 Wasserman  
 Schultz  
 Waters  
 Watson  
 Watt  
 Waxman  
 Weiner  
 Welch  
 Westmoreland  
 Whitfield  
 Wilson (OH)  
 Wilson (SC)  
 Wittman  
 Wolf  
 Woolsey  
 Yarmuth  
 Young (AK)  
 Young (FL)

mending the City of Jacksonville, Arkansas, for its outstanding support in creating a unique and lasting partnership with Little Rock Air Force Base, members of the Armed Forces stationed there and their families, and the Air Force, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arkansas (Mr. SNYDER) that the House suspend the rules and agree to the resolution, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. MCGOVERN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 22, as follows:

[Roll No. 595]

YEAS—411

Barrett (SC)  
 Brown-Waite,  
 Ginny  
 Buyer  
 Davis (IL)  
 DeFazio  
 Delahunt

NOT VOTING—18

Dingell  
 Etheridge  
 Hastings (FL)  
 Hodes  
 Kennedy  
 Marchant  
 Wu

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1534

Mr. SKELTON changed his vote from “no” to “aye.”

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### MOMENT OF SILENCE IN REMEMBRANCE OF MEMBERS OF ARMED FORCES AND THEIR FAMILIES

The SPEAKER. The Chair would ask all present to rise for the purpose of a moment of silence.

The Chair asks that the House now observe a moment of silence in remembrance of our brave men and women in uniform who have given their lives in the service of our Nation in Iraq and Afghanistan and their families, and of all who serve in our Armed Forces and their families.

#### COMMENDING THE CITY OF JACKSONVILLE, ARKANSAS

The SPEAKER pro tempore (Mrs. CAPPS). Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1724) com-

Ackerman  
 Aderholt  
 Adler (NJ)  
 Akin  
 Alexander  
 Altmire  
 Andrews  
 Arcuri  
 Austria  
 Baca  
 Bachmann  
 Bachus  
 Baird  
 Baldwin  
 Barrow  
 Bartlett  
 Barton (TX)  
 Bean  
 Becerra  
 Berkley  
 Berman  
 Berry  
 Biggert  
 Bilbray  
 Bilirakis  
 Bishop (GA)  
 Bishop (NY)  
 Bishop (UT)  
 Blumenauer  
 Blunt  
 Boccheri  
 Bonner  
 Bono Mack  
 Boozman  
 Boren  
 Boswell  
 Boucher  
 Boustany  
 Boyd  
 Brady (PA)  
 Brady (TX)  
 Braley (IA)  
 Bright  
 Broun (GA)  
 Brown (SC)  
 Brown, Corrine  
 Buchanan  
 Burgess  
 Burton (IN)  
 Butterfield  
 Calvert  
 Camp  
 Campbell  
 Cantor  
 Cao  
 Capito  
 Capps  
 Capuano  
 Carnahan  
 Carney  
 Carson (IN)

Carter  
 Cassidy  
 Castle  
 Castor (FL)  
 Chaffetz  
 Chandler  
 Childers  
 Chu  
 Clarke  
 Clay  
 Cleaver  
 Clyburn  
 Coble  
 Coffman (CO)  
 Cohen  
 Cole  
 Conaway  
 Connolly (VA)  
 Conyers  
 Cooper  
 Costa  
 Costello  
 Courtney  
 Crenshaw  
 Critz  
 Crowley  
 Cuellar  
 Culberson  
 Cummings  
 Dahlkemper  
 Davis (AL)  
 Davis (CA)  
 Davis (KY)  
 Davis (TN)  
 DeGette  
 DeLauro  
 Dent  
 Deutch  
 Diaz-Balart, L.  
 Diaz-Balart, M.  
 Dicks  
 Dingell  
 Djou  
 Doggett  
 Donnelly (IN)  
 Doyle  
 Dreier  
 Driehaus  
 Duncan  
 Edwards (MD)  
 Edwards (TX)  
 Ehlers  
 Ellison  
 Ellsworth  
 Emerson  
 Engel  
 Eshoo  
 Etheridge

Filner  
 Flake  
 Fleming  
 Forbes  
 Fortenberry  
 Foster  
 Foxx  
 Frank (MA)  
 Franks (AZ)  
 Frelinghuysen  
 Fudge  
 Gallegly  
 Garamendi  
 Garrett (NJ)  
 Gerlach  
 Giffords  
 Gingrey (GA)  
 Gohmert  
 Gonzalez  
 Goodlatte  
 Granger  
 Graves (GA)  
 Graves (MO)  
 Grayson  
 Green, Al  
 Green, Gene  
 Griffith  
 Grijalva  
 Guthrie  
 Gutierrez  
 Hall (NY)  
 Hall (TX)  
 Halvorson  
 Hare  
 Harman  
 Harper  
 Hastings (WA)  
 Heinrich  
 Heller  
 Hensarling  
 Herger  
 Herseth Sandlin  
 Higgins  
 Hill  
 Himes  
 Hinchey  
 Hinojosa  
 Hirono  
 Hoekstra  
 Holden  
 Holt  
 Honda  
 Hoyer  
 Hunter  
 Inglis  
 Inslee  
 Israel  
 Issa  
 Jackson (IL)  
 Jackson Lee  
 (TX)

Jenkins	Miller (NC)	Schakowsky
Johnson (GA)	Miller, Gary	Schauer
Johnson (IL)	Miller, George	Schiff
Johnson, E. B.	Mitchell	Schmidt
Johnson, Sam	Mollohan	Schock
Jones	Moore (KS)	Schrader
Jordan (OH)	Moore (WI)	Schwartz
Kagen	Moran (KS)	Scott (GA)
Kanjorski	Moran (VA)	Scott (VA)
Kaptur	Murphy (CT)	Sensenbrenner
Kildee	Murphy (NY)	Serrano
Kilpatrick (MI)	Murphy, Patrick	Sessions
Kilroy	Murphy, Tim	Sestak
Kind	Myrick	Shadegg
King (IA)	Nadler (NY)	Shea-Porter
King (NY)	Napolitano	Sherman
Kingston	Neal (MA)	Shimkus
Kirkpatrick (AZ)	Neugebauer	Shuler
Kissell	Nunes	Shuster
Klein (FL)	Nye	Simpson
Kline (MN)	Oberstar	Sires
Kosmas	Obey	Skelton
Kratovil	Olson	Slaughter
Kucinich	Olver	Smith (NE)
Lamborn	Ortiz	Smith (NJ)
Lance	Owens	Smith (TX)
Langevin	Pallone	Smith (WA)
Larsen (WA)	Pascarell	Snyder
Larson (CT)	Pastor (AZ)	Space
Latham	Paul	Spratt
LaTourette	Paulsen	Stark
Latta	Payne	Stearns
Lee (CA)	Pence	Stupak
Lee (NY)	Perlmutter	Stutzman
Levin	Perriello	Sullivan
Lewis (CA)	Peters	Sutton
Lewis (GA)	Peterson	Tanner
Linder	Petri	Taylor
Lipinski	Pitts	Teague
LoBiondo	Platts	Terry
Loebuck	Poe (TX)	Thompson (CA)
Lofgren, Zoe	Polis (CO)	Thompson (MS)
Lowey	Pomeroy	Thompson (PA)
Lucas	Posey	Thornberry
Luetkemeyer	Price (GA)	Tiahrt
Lujan	Price (NC)	Tiberi
Lummis	Putnam	Tierney
Lungren, Daniel E.	Quigley	Titus
Lynch	Rahall	Tonko
Mack	Rangel	Towns
Maffei	Reed	Tsongas
Maloney	Rehberg	Turner
Manzullo	Reichert	Upton
Markey (CO)	Reyes	Van Hollen
Markey (MA)	Richardson	Velázquez
Marshall	Rodriguez	Visclosky
Matheson	Roe (TN)	Walden
Matsui	Rogers (AL)	Walz
McCarthy (CA)	Rogers (KY)	Wamp
McCarthy (NY)	Rogers (MI)	Wasserman
McCaul	Rohrabacher	Schultz
McClintock	Rooney	Waters
McCollum	Ros-Lehtinen	Watson
McCotter	Roskam	Watt
McDermott	Ross	Waxman
McGovern	Rothman (NJ)	Weiner
McHenry	Roybal-Allard	Welch
McIntyre	Royce	Westmoreland
McKeon	Ruppersberger	Whitfield
McMahon	Rush	Wilson (OH)
McNerney	Ryan (OH)	Wilson (SC)
Meek (FL)	Ryan (WI)	Wittman
Meeks (NY)	Salazar	Wolf
Melancon	Sánchez, Linda T.	Yarmuth
Mica	Sanchez, Loretta	Young (AK)
Michaud	Sarbanes	Young (FL)
Miller (MI)	Scalise	

## NOT VOTING—22

Barrett (SC)	Delahunt	Minnick
Blackburn	Gordon (TN)	Pingree (ME)
Boehner	Hastings (FL)	Radanovich
Brown-Waite,	Hodes	Speier
Ginny	Kennedy	Woolsey
Buyer	Marchant	Wu
Cardoza	McMorris	
Davis (IL)	Rodgers	
DeFazio	Miller (FL)	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1545

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the resolution was amended so as to read: "Commending the City of Jacksonville, Arkansas, for its outstanding support in creating a unique and lasting partnership with Little Rock Air Force Base, members of the Armed Forces stationed there, and their families."

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mrs. McMORRIS RODGERS. Madam Speaker, on rollcall No. 587 on H. Res. 1742, ordering the Previous Question providing for consideration of S. 3307, I am not recorded because I was absent because I was giving birth to my baby daughter. Had I been present, I would have voted "nay."

Madam Speaker, on rollcall No. 588 on H. Res. 1742, agreeing to the resolution providing for consideration of S. 3307, the Healthy, Hunger-Free Kids Act, I am not recorded because I was absent because I was giving birth to my baby daughter. Had I been present, I would have voted "nay."

Madam Speaker, on rollcall No. 589 on H. Res. 1741, agreeing to the resolution providing for consideration of H.J. Res. 101, I am not recorded because I was absent because I was giving birth to my baby daughter. Had I been present, I would have voted "nay."

Madam Speaker, on rollcall No. 590 on H. Con. Res. 323, supporting the goal of ensuring that all Holocaust survivors in the United States are able to live with dignity, comfort, and security in their remaining years, I am not recorded because I was absent because I was giving birth to my baby daughter. Had I been present, I would have voted "yea."

Madam Speaker, on rollcall No. 591 on H. Res. 1735, condemning North Korea in the strongest terms for its unprovoked military attack against South Korea on November 23, 2010, I am not recorded because I was absent because I was giving birth to my baby daughter. Had I been present, I would have voted "yea."

Madam Speaker, on rollcall No. 592 on H. Res. 1430, honoring and saluting golf legend Juan Antonio "Chi Chi" Rodriguez for his commitment to Latino youth programs of the Congressional Hispanic Caucus Institute, I am not recorded because I was absent because I was giving birth to my baby daughter. Had I been present, I would have voted "yea."

Madam Speaker, on rollcall No. 593 on H.J. Res. 101, making further continuing appropriations for Fiscal Year 2011, I am not recorded because I was absent because I was giving birth to my baby daughter. Had I been present, I would have voted "nay."

Madam Speaker, on rollcall No. 594 on H. Res. 1217, honoring Fort Drum's soldiers of the 10th Mountain Division for their past and continuing contributions to the security of the United States, I am not recorded because I was absent because I was giving birth to my baby daughter. Had I been present, I would have voted "yea."

Madam Speaker, on rollcall No. 595 on H. Res. 1724, commending the City of Jacksonville, Arkansas, for its outstanding support in creating a unique and lasting partnership with Little Rock Air Force Base, members of the Armed Forces stationed there and their families, and the Air Force, I am not recorded because I was absent because I was giving birth to my baby daughter. Had I been present, I would have voted "yea."

## PERSONAL EXPLANATION

Mr. ETHERIDGE. Madam Speaker, on H. Res. 1217, I was unavoidably detained. Had I been present, I would have voted "yes."

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

□ 1550

## ACCREDITATION OF ENGLISH LANGUAGE

Mr. CONYERS. Madam Speaker, I move to suspend the rules and pass the bill (S. 1338) a bill to require the accreditation of English language training programs, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1338

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. ACCREDITATION OF ENGLISH LANGUAGE TRAINING PROGRAMS.

(a) IN GENERAL.—Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended—

(1) in paragraph (15)(F)(i), by striking "a language" and inserting "an accredited language"; and

(2) by adding at the end the following:

"(52) The term 'accredited language training program' means a language training program that is accredited by an accrediting agency recognized by the Secretary of Education."

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsection (a) shall—

(A) take effect on the date that is 180 days after the date of the enactment of this Act; and

(B) apply with respect to applications for a nonimmigrant visa under section 101(a)(15)(F)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)(i)) that are filed on or after the effective date described in subparagraph (A).

(2) TEMPORARY EXCEPTION.—

(A) IN GENERAL.—Notwithstanding section 101(a)(15)(F)(i) of the Immigration and Nationality Act, as amended by subsection (a), during the 3-year period beginning on the date of the enactment of this Act, an alien

seeking to enter the United States to pursue a course of study at a language training program that has been certified by the Secretary of Homeland Security and has not been accredited or denied accreditation by an entity described in section 101(a)(52) of such Act may be granted a nonimmigrant visa under such section 101(a)(15)(F)(i).

(B) **ADDITIONAL REQUIREMENT.**—An alien may not be granted a nonimmigrant visa under subparagraph (A) if the sponsoring institution of the language training program to which the alien seeks to enroll does not—

(i) submit an application for the accreditation of such program to a regional or national accrediting agency recognized by the Secretary of Education within 1 year after the date of the enactment of this Act; and

(ii) comply with the applicable accrediting requirements of such agency.

The **SPEAKER pro tempore**. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

#### GENERAL LEAVE

Mr. CONYERS. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material.

The **SPEAKER pro tempore**. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker and Members, S. 1338 requires that visas for foreign students seeking to attend English schools in the United States only be granted when the student attends a school accredited by an agency recognized by the Secretary of Education. What we found, in short, is that some of these language schools are undermining the laudable mission of this visa program. And it has been determined that many of them are not even attending schools.

So thanks to the diligence of the chairman of the Committee on Financial Services, BARNEY FRANK, we have introduced the bill. The Senate has passed the same bill. Now it is over here for our final approval. But before I reserve the balance of my time, I would thank LAMAR SMITH, the ranking member of the Judiciary Committee.

I reserve the balance of my time.

Mr. SMITH of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I support S. 1338, which requires the accreditation of English language training programs for student visa holders, and I am a cosponsor of the House version of the bill. Accreditation of English programs will ensure that foreign students here on temporary visas receive the high-level English language education they deserve and expect. And this legislation will help give the students a positive experience in America as well.

The bill prevents fraud in the student visa program and raises the quality of English language training programs in

the United States. It does so by requiring accreditation, which is achieved only after certain learning criteria are met.

Under the Immigration and Nationality Act, a foreign national can get a student visa to study at a U.S. college, high school, or other learning institution such as an established "language training program approved by the Secretary of Homeland Security after consultation with the Secretary of Education." This bill requires that a nonimmigrant foreign student seeking to enter the United States to study at a language training program must enroll in a program that is recognized and accredited by the Secretary of Education. The Senate has passed this legislation by unanimous consent, and I urge my colleagues to support it as well.

Intensive English Programs ("IEPs") serve to teach English to foreign students. There are 90,000 such students in the United States. The programs range in length from two weeks to one year, but average 12 weeks. There are nearly 1,000 IEP's in the U.S., and students must study a minimum of 18 hours per week to meet their visa requirements.

Currently all IEPs must be officially recognized, but that sometimes means there is just a check to see that the building in which the IEP is supposedly located, actually exists. The result of such lax monitoring is widespread fraud in the IEP community.

Illegitimate IEPs either do not teach English well or serve as scams for individuals who want to come to the United States through fraudulent means. In April 2008, the Los Angeles Times reported, "The operator of two English language schools was charged Wednesday with running a scheme that allowed foreign nationals, including several Russian prostitutes, to fraudulently obtain student visas to enter and stay in the United States."

In April 2009, two individuals who ran an English language school for immigrants in Duluth, GA, were indicted for submitting fraudulent documents to the Department of Homeland Security. They did so in order to get student visas for "dozens, and perhaps hundreds, of 'students.'"

And last March agents in the Miami Immigration and Customs Enforcement Office conducted the "largest single visa fraud takedown in [the] agency's history," when they arrested two women who helped obtain fraudulent student visas for over 200 individuals who were supposedly attending an English school, but who were not actually doing so.

Such fraudulent programs, along with IEPs that do not function well, tarnish the reputation of the entire IEP industry. That's why the American Association of Intensive English Programs supports this legislation. And legitimate IEPs are interested in ensuring the quality of their programs.

Under this bill, IEPs can meet the accreditation requirement in one of two ways. First, they can be under the governance of a university or college that has been accredited by a regional accrediting agency recognized by the U.S. Department of Education. Or, second, they can be individually accredited by The Accrediting Council for Continuing Education and Training or the Commission on English Language Program Accreditation.

The three typical steps in the accreditation process are (1) the completion of a written

self-study that documents how the program or institution meets the standards of the accreditation agency; (2) a site visit by an agency team to verify that standards are being met; and (3) follow-up measures on the part of the school to correct any deficiencies, subject to review and final approval by the accreditation agency.

Currently, many legitimate IEPs are voluntarily becoming accredited on their own.

I urge my colleagues to support passage of this bill.

Madam Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Madam Speaker, I want to thank my friend from Texas for yielding.

This legislation is a good piece of legislation. I urge my colleagues to support it.

But there are other issues that I think need to be addressed today. There has been bipartisan agreement across this country and in Congress that blanket moratoriums on offshore drilling hurts America when it comes to jobs and energy. Yet the Obama administration has suddenly imposed a moratorium that closes the eastern Gulf of Mexico and the entire Atlantic coast.

Madam Speaker, this is the wrong way to respond to the BP oil spill. It hurts our economy and job creation. The answer is not to say America can't figure it out and we should rely on other countries to produce our energy. The right answer is to find out what went wrong and make the effective, timely reforms that ensure that U.S. offshore drilling is the safest in the world.

The Deepwater Horizon spill was a terrible tragedy; but this is a great country, Madam Speaker, and we shouldn't allow this single event to disrupt our long-term need to develop an all-of-the-above energy plan that includes the responsible development of our Nation's offshore oil and gas reserves.

The administration has taken us in the wrong direction. Instead, we need to be working to keep and create energy jobs here in America.

Mr. SMITH of Texas. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CONYERS. I am going to yield back, but can I ask my friends on the other side, if you have got another subject matter you want to introduce on a bill, can you wait until we pass the bill and then make your speech about whatever you want?

I yield back the balance of my time.

The **SPEAKER pro tempore**. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, S. 1338.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

# HELP HAITIAN ADOPTEES IMMEDIATELY TO INTEGRATE ACT OF 2010

Mr. CONYERS. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 5283) to provide for adjustment of status for certain Haitian orphans paroled into the United States after the earthquake of January 12, 2010.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

## SECTION 1. SHORT TITLE.

This Act may be cited as—

- (1) the “Help Haitian Adoptees Immediately to Integrate Act of 2010”; or
- (2) the “Help HAITI Act of 2010”.

## SEC. 2. ADJUSTMENT OF STATUS FOR CERTAIN HAITIAN ORPHANS.

(a) *IN GENERAL.*—The Secretary of Homeland Security may adjust the status of an alien to that of an alien lawfully admitted for permanent residence if the alien—

(1) was inspected and granted parole into the United States pursuant to the humanitarian parole policy for certain Haitian orphans announced by the Secretary of Homeland Security on January 18, 2010, and suspended as to new applications on April 15, 2010;

(2) is physically present in the United States; (3) is admissible to the United States as an immigrant, except as provided in subsection (c); and

(4) files an application for an adjustment of status under this section not later than 3 years after the date of the enactment of this Act.

(b) *NUMERICAL LIMITATION.*—The number of aliens who are granted the status of an alien lawfully admitted for permanent residence under this section shall not exceed 1400.

(c) *GROUND OF INADMISSIBILITY.*—Section 212(a)(7)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(7)(A)) shall not apply to an alien seeking an adjustment of status under this section.

(d) *VISA AVAILABILITY.*—The Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) for any alien granted the status of having been lawfully admitted for permanent residence under this section.

(e) *ALIENS DEEMED TO MEET DEFINITION OF CHILD.*—An unmarried alien described in subsection (a) who is under the age of 18 years shall be deemed to satisfy the requirements applicable to adopted children under section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)) if—

(1) the alien obtained adjustment of status under this section; and

(2) a citizen of the United States adopted the alien prior to, on, or after the date of the decision granting such adjustment of status.

(f) *NO IMMIGRATION BENEFITS FOR BIRTH PARENTS.*—No birth parent of an alien who obtains adjustment of status under this section shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this section or the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

## SEC. 3. COMPLIANCE WITH PAYGO.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

### GENERAL LEAVE

Mr. CONYERS. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. I yield myself as much time as I may consume.

Madam Speaker, Members of the House, this bill, entitled the Help HAITI Act of 2010, was introduced by the gentleman from Nebraska (Mr. FORTENBERRY). It is incredibly important that we finish the job we undertook when we rescued just over 1,200 Haitian orphans immediately following the earthquake that devastated Haiti on January 12 earlier this year.

□ 1600

All in all, 1.5 million people were directly affected in terms of human and economic impact. It was one of the worst natural disasters ever recorded in the Western Hemisphere.

In response to this disaster, the Department of Homeland Security instituted a policy for the immediate evacuation of Haitian orphans who had been adopted or were in the process of being adopted as citizens.

Now, in the United States with their adoptive or prospective adoptive American parents, these children need one more bit of assistance. Had the earthquake not hit and disrupted the adoption process in Haiti, each of these children would have entered the country as United States citizens under current immigration law.

But because of the emergency procedures used to evacuate these children, they must now wait years before they can get permanent residency and years more before they can qualify for citizenship. Some are even running the risk of aging out even before they can get their residency, which would make them ineligible for legal status in the country.

So what the measure before us does is treat these children as if they had come to the United States under the normal adoption procedures that would have applied had the earthquake not occurred and required hastening their move.

It is with that in mind that I am pleased to thank the bipartisan efforts of the Judiciary Committee, starting with the ranking member, LAMAR SMITH; the immigration subcommittee chair, ZOE LOFGREN; and, of course, Judge Poe, who is leading the measure on the other side.

With that, I reserve the balance of my time.

Mr. POE of Texas. Madam Speaker, I yield myself such time as I may consume.

I strongly support H.R. 5283. Madam Speaker, earlier this year, Haiti was hit by a massive earthquake and hundreds of thousands of people died. In reaction, the Department of Homeland Security announced a humanitarian parole policy under which orphaned Haitian children who were in the middle of an adoption process with prospective Americans would be immediately brought to the United States. Under this policy, about 1,200 Haitian children, orphans, came to the United States.

Since adoption proceedings were not yet completed when these children were brought to this country, they will have to live with their adoptive parents for 2 years before being eligible for permanent resident status in the United States. In the interim, they remain in parole status, which is to be renewed each and every year.

This legal limbo can be stressful to the children and to the families who have adopted them. We must remember, Madam Speaker, these children had already been approved for adoption to American parents.

Additionally, Representative FORTENBERRY from Nebraska was concerned about the impact of this delay on children and circumstances such as the death of adoptive parents. Mr. FORTENBERRY therefore introduced the Help HAITI Act of 2010. This bill grants immediate permanent residence to the airlifted Haitian orphans.

This legislation completes the humanitarian endeavor launched by the Department of Homeland Security and secures the futures of children who have already suffered a great deal. It is in the best tradition of American humanitarian response. The House has already passed the Fortenberry bill by voice vote. The Senate made some minor changes and passed the bill by unanimous consent.

I know personally how important this bill is to the children and families of this country. The Parker family, from my district in Kingwood, Texas, contacted my office shortly after the earthquake that devastated Haiti to get help in finalizing the adoption of their son.

Before the earthquake, the Parker family had been in the process of adopting a young Haitian named Ronel. Prior to the earthquake, Ronel had been cleared to immigrate to the United States. But after the bureaucratic breakdown following the earthquake, his adoption was held up. Fearing for Ronel's safety, Mr. Parker flew down to Port-au-Prince and slept on the floor of the United States Embassy for several days as he haggled with United States and Haitian authorities to permit the adoption. Finally, after many sleepless nights, the adoption was permitted and Ronel was allowed to fly to his new home in Kingwood, Texas.

A few weeks after making his way to his new home, I was fortunate to meet this young American. Although he was still learning English, and I don't speak Creole very well, we communicated just fine. My staff even took up a collection to buy him his first pair of Texas cowboy boots. It was clear that he was very intelligent and had a strong heart, and he was very happy to be in America with his new American family. I am confident that Ronel will grow up to be a fine American and a fine Texan, and we are proud to have him in this country.

It is for children like Ronel and the families like the Parkers that I urge support for this legislation. The families of these 1,200 Haitian adoptees have gone through enough, and these parents are to be admired by all of us.

I urge my colleagues to pass this bill, as amended by the Senate, so we can send it to the President for his signature.

I reserve the balance of my time.

Mr. CONYERS. I want to commend Judge TED POE as a gentleman and a scholar, and we are proud of his service on the Judiciary Committee.

I yield as much time as she may consume to the gentlewoman from Texas, SHEILA JACKSON LEE.

Ms. JACKSON LEE of Texas. Thank you very much, Mr. Chairman. Thank you for your leadership on this issue. Thank you to Mr. FORTENBERRY and my friend and colleague from the State of Texas, Judge POE.

This is a response to a humanitarian crisis. Some of us had the opportunity and somewhat of a privilege to be in Haiti this past Sunday. I am here to report that there are still 1.5 to 1.6 million persons still displaced, many of them living in various camps. There is need for the continued removal of rubbish and the debris that we all saw in horror on January 12 of 2010.

So this is an enormously important initiative because it addresses the question of almost 1,200 Haitian orphans which were airlifted and rescued on that fateful day. They now live in limbo, and it is important to note for my friends on the floor of the House that if they were to return, it is a country that struggles to survive.

Let me applaud the Haitian Government for its concern about Haitian children and Haitian orphans and to make sure that there is no abuse and misuse of those children. But we know that many of these children, all of these children, are in loving homes here in the United States. There are families that still want to endorse the idea of adoption of Haitian children. All of them are willing to do it in the right way.

But this legislation helps those who are here to give them permanent residence status, to allow them to obtain status so that they can pursue the act of citizenship once the Government of Haiti is in operation.

On this past Sunday, there was an election, and many of you heard of the

challenges that were faced. Some of us still believe that those challenges of allegations of fraud need to be corrected. But we do know that Haiti needs a stable and supporting government, and we know that these children need a loving family. It is important, then, to provide them with this particular effort, this bridge, that will take them to the next level, the next step.

Let me thank the many parents who simply have love to share with these children, these adoptive American parents who need assistance now. Let me thank you and acknowledge to you that there are Members of Congress who are particularly sensitive to this issue.

Just a few months ago I traveled to Haiti with Senator MARY LANDRIEU and DEBBIE WASSERMAN SCHULTZ. Our focus was on the children—their schooling, their access to health care, and, yes, the ability for them to be adopted in an expedited or an efficient manner.

So, therefore, I ask my colleagues to support this legislation as, really, the first step in what will be many, many steps on the journey of the restoration of Haiti and the Haitian people. They are resilient. And I would like to thank the Haitian Americans and those who still struggle to survive, because it is still important for us to say we will not forget you.

□ 1610

Mr. POE of Texas. Madam Speaker, I yield to the gentleman from Nebraska (Mr. FORTENBERRY), the sponsor of the original legislation, as much time as he wishes to consume.

Mr. FORTENBERRY. Thank you, Judge POE, for the time. And I also wish to thank Chairman CONYERS as well as Chairwoman LOFGREN of the Immigration Subcommittee and LAMAR SMITH, the ranking member on the full committee, for your efforts in this regard, especially your diligence in getting this to the floor today.

I also, Madam Speaker, want to thank the many adoptive families, members of the international adoption community and others who have worked behind the scenes to spur action today. Thanks to this outreach of so many concerned Americans, Congress is finally doing the right thing here to help as many as 1,200 voiceless and vulnerable Haitian orphans and their adoptive American families. We can now give these new families, who have endured so much heartbreak and tragedy, the comfort of knowing that their children's legal status is now in good order.

Many of us received heartbreaking calls for help in the wake of the January 12 earthquake. American families in various stages, as we have heard, of adopting Haitian orphans feared for the safety and the security of their children. Extraordinary work was done swiftly to evacuate these children and unite them with their new families on U.S. soil. Yet instead of coming here as fully adopted U.S. citizens, these chil-

dren arrived under a legal status known as humanitarian parole.

Due to a destructive, unpredictable act of nature, the normal process for international adoptions in Haiti was upended, and these American families were prohibited from finalizing the adoptions in Haitian courts. While their status remains in limbo, these vulnerable children have fewer legal protections, may not be eligible for critical resources, and potentially risk being forced to return to Haiti. With each passing day, some children are aging out of the international adoption system as well. Once a child turns 16, he or she may no longer gain U.S. citizenship through adoption.

So the urgency is clear. I recently spoke, Madam Speaker, with the mother of a Haitian orphan who just turned 16. We have to act. We need to pass this bill today to give so much more security to these generous American families who have opened their hearts and homes to children in extraordinary need.

Again, I want to thank all of those who have been involved in helping get this important legislation to the floor today.

Mr. CONYERS. Madam Speaker, I now recognize the gentlewoman from Brooklyn, New York, YVETTE CLARKE, for as much time as she may consume. And I note that she has the second largest number of Haitians and Haitian Americans in her congressional district.

Ms. CLARKE. Let me thank you, Chairman CONYERS, for your conscientious in bringing this legislation to the floor. I rise today as a proud cosponsor of H.R. 5283, the Help HAITI Act of 2010, introduced by my colleague, Congressman JEFF FORTENBERRY. This bill normalizes the immigration procedures for certain adopted Haitian orphans that received humanitarian parole between January 18 of 2010 and April 15, 2010. It allows their adoptive families, who are U.S. citizens, to apply immediately on their behalf to become legal permanent residents and eventually qualify for citizenship.

As a representative of the second-largest population of first- and second-generation Haitian immigrants, Haiti has been at the core of my Caribbean agenda. That is why I'm extremely concerned that more than 1,000 paroled Haitian orphans being adopted by American families remain in immigration limbo due to a legal technicality. At least 50 orphans reside in my district alone.

It is alarming that these children have to wait 2 years before they are granted legal permanent residency. If this situation is not addressed, these children will remain in this country without certain legal protection and are in jeopardy of being separated from their adoptive family and deported back to Haiti, where they have no family.

The legal technicality that puts these children in such a precarious position is yet another example of why

our Nation needs comprehensive immigration reform. That is why I'm committed to working with my colleagues to make immigration reform a reality as soon as possible. Our national security is at stake, our moral standing in the world depends upon it, and the American people, many of whom are first- and second-generation immigrants, demand it. I urge Congress to take a fresh look at the antiquated policies and bureaucratic backlog that tear families apart and devastate our communities.

Finally, I commend Congressman FORTENBERRY and Senator GILLIBRAND for addressing this issue and their continued support for the people of Haiti.

Mr. POE of Texas. Madam Speaker, I want to thank the chairman for bringing this legislation to the floor. It's very important to the Parker family in my district, the people that Mr. FORTENBERRY in Nebraska mentioned, and the 1,200 families and children that are going to now have a good Christmas because that legislation has passed in the House.

I yield back the balance of my time.

Mr. CONYERS. I yield back as well.

The SPEAKER pro tempore (Ms. MARKEY of Colorado). The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 5283.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

#### ASIAN CARP PREVENTION AND CONTROL ACT

Mr. CONYERS. Madam Speaker, I move to suspend the rules and pass the bill (S. 1421) to amend section 42 of title 18, United States Code, to prohibit the importation and shipment of certain species of carp.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1421

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Asian Carp Prevention and Control Act".

#### SEC. 2. ADDITION OF SPECIES OF CARP TO THE LIST OF INJURIOUS SPECIES THAT ARE PROHIBITED FROM BEING IMPORTED OR SHIPPED.

Section 42(a)(1) of title 18, United States Code, is amended by inserting "of the bighead carp of the species *Hypophthalmichthys nobilis*;" after "*Dreissena polymorpha*;"

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Madam Speaker, I ask unanimous consent that all Mem-

bers have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker and Members of the House, S. 1421 prohibits importation and interstate shipment of certain species of carp and amends section 42 of title 18 of the code to add the bighead variety of the species commonly known as Asian carp to the list of injurious species that are prohibited from being shipped in or imported into the United States.

Asian carp are a significant threat to the Great Lakes because they are large, extremely prolific, and consume vast amounts of food. They can grow to more than 6 feet in length and weigh in excess of 100 pounds, quickly dominating the waters they inhabit and eating as much as 40 percent of their body weight daily.

Researchers caution that these fish could pose a significant risk to the Great Lakes ecosystem by damaging habitats and disrupting the food chain that supports native fish. In the 1970s, two species of Asian carp, the bighead and silver, were imported by catfish farmers to remove algae and suspended matter from their ponds. During large floods in the early 1990s, many of the catfish ponds overflowed their banks, and the Asian carp were released into local waterways in the Mississippi River basin.

In an effort to prevent the carp from getting to the Great Lakes, a barrier was constructed in the Chicago Sanitary and Ship Canal which connects the Mississippi River to the Great Lakes. Unfortunately, the Asian carp are steadily making their way northward up the Mississippi, and Asian carp DNA has been discovered beyond the barrier.

If these carp reach Lake Michigan, they are likely to spread throughout the Great Lakes, where they would threaten the environment and the economy. The Great Lakes are some of the most unique bodies of water on the planet, and they would threaten not only the commercial but recreational fishing on the lakes, both of which are major contributors to the economies of Great Lakes States.

The Asian Carp Prevention and Control Act lists the bighead variety of the species called Asian carp as injurious to wildlife under the Lacey Act. And by including them in the Lacey Act, this bill will prohibit importation or interstate transportation of live Asian carp without a permit.

□ 1620

It is our hope that this will help deter further intentional or accidental introduction of the species into our waterways.

It should be noted that this legislation does not interfere with existing State regulations of Asian carp. In addition, permits to transport or purchase live Asian carp can still be issued for scientific, medical, or educational purposes.

I commend my colleagues, the senior Senator from Michigan, CARL LEVIN, and Senator GEORGE VOINOVICH, co-chairs of the Great Lakes Task Force, for introducing this legislation, and hope it will be favorably considered in this body.

Madam Speaker, I reserve the balance of my time.

Mr. POE of Texas. Madam Speaker, I yield myself such time as I may consume.

S. 1421, the Asian Carp Prevention and Control Act, amends the Lacey Act to designate the "big head" species of Asian carp as injurious fish. This bill was introduced by Senator CARL LEVIN of Michigan and recently passed the Senate by unanimous consent. My colleague, Mrs. BIGGERT from Illinois, sponsored the House companion bill to this legislation, H.R. 3137, and has been a tireless champion of this legislation.

According to the Environmental Protection Agency, Asian carp were imported by catfish farmers in the 1970s to remove algae from their commercial ponds. During large floods in the early 1990s, many of the catfish farm ponds overflowed their banks and the Asian carp were released into local waterways in the Mississippi River basin.

The carp have steadily made their way north up the Mississippi, becoming the most abundant species in some areas of the river. Dubbed the "underwater lawn mower," these enormous fish have become a menace to native species and their habitats. Asian carp can grow to over 4 feet long and over 100 pounds in weight. These fish can consume nearly three times their body weight in food each day. As a result, Asian carp leave little food or no food supply for the other fish.

As the fish move upstream toward the Great Lakes, they threaten the food supply of sport fish such as the yellow perch, walleye, and small mouth bass. Carp are well-suited to the climate of the Great Lakes region, which is similar to their native Asian habitats.

To prevent the carp from entering the Great Lakes, the U.S. Army Corps of Engineers, the Environmental Protection Agency, the State of Illinois, the International Joint Commission, the Great Lakes Fishery Commission, and the U.S. Fish and Wildlife Service are working together to install and maintain a permanent electric barrier between the fish and Lake Michigan.

This designation prohibits the importation and interstate shipment of Asian carp unless a permit is issued by the Secretary of the Interior. The penalty for illegally importing or shipping Asian carp is a fine or imprisonment up to 6 months. This bill is supported by Members from both sides of the aisle in



both the House and the Senate. I urge my colleagues to vote in favor of this bill.

Mr. Speaker, I yield such time as she may consume to the author of this bill, the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Madam Speaker, I rise today to ask my colleagues to support Senate 1421, the Asian Carp Prevention and Control Act. This is the Senate companion to a bill I have sponsored in this House since 2007, and its passage will be a long overdue victory for wildlife preservation here in the United States.

As most of you know, those of us in the Illinois delegation have worked tirelessly to stem the spread of invasive species into the Great Lakes ecosystem for many years. Currently, Asian carp are the single greatest biological threat to that natural habitat, having traveled for the last four decades up the Mississippi River basin into the Illinois River, and now is close to the shipping and sanitary canals that connect our rivers to the freshwater lakes, particularly Lake Michigan. These ferocious fish prey on and compete with the native species for food and eat up to 40 percent of their body weight every day, as has been mentioned. And because they eat the natural plant life near the bottom of the food chain, they can quickly displace native species, destroy fishing habitats, and threaten maritime jobs.

The reason these fish came to become such a nuisance and cost taxpayers millions of dollars to combat is because they were imported into the U.S. by the southern fish farmers who used them to clean their breeding ponds. Subsequent flooding allowed them to escape into our river system and eventually travel up from the gulf towards Lake Michigan.

Madam Speaker, it is long past the time to recognize that these species do not belong in fish tanks—they certainly wouldn't fit because they grow so large—and domestic ponds where they could find their way into other fragile ecosystems.

In Illinois, we have spent an awful lot of time working on ways to keep those fish out of the Great Lakes. It is so important. The electric dispersal barriers, and there are now two that the Army Corps has put into the sanitary canal in my district, and we have had blockage of the tributaries of the river so even by flooding they cannot get into the canal. We have oxygenation. I have been at fish kills where they have actually made the water dead to kill the fish.

One of the things that is now taking place is certainly the fishing for these fish further down the river, and they are now sending the fish to China where they are turning them into food over there.

But the bill that we are considering today will add the big head species of the Asian carp to the list of injurious species under the Lacey Act and pre-

vent their sale or importation into the United States. This ban would not apply to the dead fish that I was just talking about—they are caught and sent to China as dead fish—and includes only the species of the invasive carp that the Federal wildlife managers found last June in Lake Calumet in Illinois.

With that, Madam Speaker, I would like to thank my good friend from Michigan, Senator LEVIN, who secured passage of this bill in the Senate and express my gratitude to all my colleagues from the Great Lakes States who have worked with us for many years to preserve our waters from the invasive species. This effort is not only about protecting our ecosystem, but also the billions in jobs and opportunities that our precious natural habitats and waterways provide to U.S. citizens every year. I urge my colleagues to support this bill.

Ms. KAPTUR. I rise in support of S. 1421, the Asian Carp Prevention and Control Act.

For the last 2 decades the Federal Government has sat still. We have allowed numerous Asian Carp species to expand their range further and further North and today, Asian Carp are on the doorstep of the Great Lakes. With sustainable populations in Indiana and Illinois and the \$7 billion recreational fishery at stake, immediate action is needed.

This legislation takes an important step in restricting the transportation of the Big Head Asian Carp by listing it as an injurious species under the Lacey Act, prohibiting this fish from being shipped or imported into the United States.

Should the Asian Carp successfully invade the Great Lakes, they would likely breed and prosper in the shallow and warm waters along the 90 miles of Lake Erie coastline in the Ninth Congressional District. In areas that the Asian Carp have already invaded, Asian Carp have outcompeted local species, destroying habitat for many species.

With 328,000 anglers and an \$800 million economic impact from Lake Erie's recreational fishing industry, aggressive action is needed. My hope is that S. 1421 is just the start in a series of actions the House will take in the coming year. Congress must fund the protection efforts, ecologically separate the ecosystem and light a fire under the Federal and State agencies to protect one of our regions greatest economic resources.

On behalf of 20 percent of the world's freshwater, the millions of great lakes anglers and towns both big and small that are dependent on the ecological resources of the Great Lakes, I urge my colleagues to support this critical legislation.

Mr. PETRI. Madam Speaker, as a representative from the Great Lakes region and a cosponsor of the House version of this bill, I support passage of S. 1421, the Asian Carp Prevention and Control Act. S. 1421 will explicitly ban Asian carp from being imported or shipped to the U.S.

Entry and proliferation of Asian carp into the Great Lakes would be ruinous to businesses, particularly commercial fishing and recreation, which rely on the Great Lakes for their livelihood, as well as to the ecology of the Great Lakes system as a whole.

This legislation is another necessary measure to ensure this damaging species is kept

out of the Great Lakes. I am thankful that Congress has taken several steps so far, including authorization and funding of the electrical barriers in the Chicago Ship and Sanitary Canal, and other measures.

We must continue to consider all options to keep Asian carp out of the Great Lakes, including closing the locks on the Chicago Ship and Sanitary Canal and examining the benefits and costs of pursuing long-term ecological separation between the Great Lakes and the Mississippi River basin to prevent carp and future invasive species from migrating through this pathway.

I look forward to continuing to work with my colleagues to find solutions to protect our Great Lakes from this continuing threat. I ask the House to join me in supporting S. 1421.

Mr. LEVIN. Madam Speaker, I rise in strong support of the Asian Carp Prevention and Control Act and urge the House to pass it today.

Bighead carp were first brought to the United States in the 1970s to control algae in aquaculture ponds. Unfortunately, bighead carp and other harmful species of non-native fish were released into the Mississippi River in the early 1990s during major flooding. Since then, the Asian carp have established themselves in the Mississippi River system. Asian carp are voracious eaters and the impact of the carp on native fish populations has been severe.

In the ensuing years, the Asian carp have made their way north and are now threatening to invade the Great Lakes. The federal government and the Great Lakes states are fighting a pitched battle against the carp to prevent them from becoming established in the Lakes. We must use every means available to stop this destructive fish from invading the Great Lakes.

We're already paying a heavy price for the decision to import these non-native carp into the United States. For many years, during both the Bush and Obama administrations, a number of us from the Great Lakes region have been urging the Fish and Wildlife Service to include bighead carp on the list of injurious species under the Lacey Act and so minimize the risk of further harm by prohibiting the importation and interstate transportation of live Asian carp without a permit.

The bill before the House today would list bighead carp as injurious under the Lacey Act. I commend Senator LEVIN for introducing this important legislation, which passed the Senate on November 17. Although it is too late to undo the damage that bighead carp are doing in the Mississippi River and its tributaries, we should do everything possible to prevent these invasive fish from harming other areas of the United States. I urge passage of S. 1421.

Mr. POE of Texas. Madam Speaker, I yield back the balance of my time.

Mr. CONYERS. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, S. 1421.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.



□ 1630

# AUTHORIZING USE OF CAPITOL ROTUNDA FOR 50TH ANNIVERSARY OF KENNEDY INAUGURAL ADDRESS

Mrs. DAVIS of California. Madam Speaker, I move to suspend the rules and concur in the concurrent resolution (S. Con. Res. 75) authorizing the use of the rotunda of the Capitol for an event marking the 50th anniversary of the inaugural address of President John F. Kennedy.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

## S. CON. RES. 75

Whereas John Fitzgerald Kennedy was elected to the United States House of Representatives and served from January 3, 1947, to January 3, 1953, until he was elected by the Commonwealth of Massachusetts to the Senate where he served from January 3, 1953, to December 22, 1960;

Whereas on November 8, 1960, John Fitzgerald Kennedy was elected as the 35th President of the United States; and

Whereas on January 20, 1961, President Kennedy was sworn in as President of the United States and delivered his inaugural address at 12:51pm, a speech that served as a clarion call to service for the Nation: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),*

## SECTION 1. USE OF THE ROTUNDA OF THE CAPITOL FOR AN EVENT HONORING PRESIDENT KENNEDY.

The rotunda of the United States Capitol is authorized to be used on January 20, 2011, for a ceremony in honor of the 50th anniversary of the inaugural address of President John F. Kennedy. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. DAVIS) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

## GENERAL LEAVE

Mrs. DAVIS of California. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous matter on the measure now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. DAVIS of California. I yield myself such time as I may consume.

Madam Speaker, this Senate concurrent resolution authorizes use of the Capitol rotunda on January 20, 2011, for a ceremony commemorating the 50th anniversary of President Kennedy's inaugural address. In that speech half a century ago, the President urged our country forward with words that still apply today, particularly as we close one session of Congress and start another.

President Kennedy said, "So let us begin anew—remembering on both

sides that civility is not a sign of weakness, and sincerity is always subject to proof. Let us never negotiate out of fear, but let us never fear to negotiate. Let both sides explore what problems unite us instead of belaboring those problems which divide us."

Madam Speaker, I am sincerely looking forward to this commemorative ceremony. I know of no controversy to this measure and urge my colleagues to support Senate Concurrent Resolution 75.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of S. Con. Res. 75, authorizing use of the rotunda of the Capitol for an event in January marking the 50th anniversary of the inaugural address of President John F. Kennedy.

Madam Speaker, Presidential inaugural addresses are always historic and are often some of the most memorable events during different eras of our country's history.

We can recall Abraham Lincoln's inaugural address in 1861, President Franklin Roosevelt's inaugural address in 1933, and President Ronald Reagan's inaugural address in 1981, among many others, as addresses that inspired this Nation at particular moments of importance.

In 1961, President Kennedy's inaugural address rightly challenged us to ask what we could do for our country and not what our country could do for us. As people across this land did 50 years ago, so we must continue to do now. We must ask ourselves how we can best contribute to our society—by providing for our families, by participating in our communities, in civil society, in our children's schools, and by looking at the lives and needs intimately and immediately around us and seeking to meet them.

Some were then, and some may now, be also called to use their skills and services in our military, diplomatic, and public service sectors. Self-government needs all these attributes and contributions, and President Kennedy's address boldly challenged us to meet them.

Madam Speaker, I support this resolution authorizing use of the rotunda. I, too, believe we should look for inspiration to President Kennedy's eloquent address given some 50 years ago this coming January.

As I say, I hope all will join us in supporting this resolution.

I have no other speakers, and I yield back the balance of my time.

Mrs. DAVIS of California. I thank the gentleman for his words. I ask for an "aye" vote, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and concur in the concurrent resolution, S. Con. Res. 75.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

## EXTENDING ARMY CORPS OF ENGINEERS' AUTHORITY TO ACCEPT AND USE FUNDS FOR EXPEDITED PERMIT PROCESSING

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6184) to amend the Water Resources Development Act of 2000 to extend and modify the program allowing the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the evaluation of permits, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

## H.R. 6184

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. FUNDING TO PROCESS PERMITS.

Section 214 of the Water Resources Development Act of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594; 117 Stat. 1836; 119 Stat. 2169; 120 Stat. 318; 120 Stat. 3197; 121 Stat. 1067; 123 Stat. 3478) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—The Secretary, after public notice, may accept and expend funds contributed by a non-Federal public entity to expedite the evaluation of a permit of that entity related to a project or activity for a public purpose under the jurisdiction of the Department of the Army.;"

(2) by redesignating subsection (c) as subsection (e);

(3) by striking subsection (b) and inserting the following:

"(b) EFFECT ON PERMITTING.—

"(1) IN GENERAL.—In carrying out this section, the Secretary shall ensure that the use of funds accepted under subsection (a) will not impact impartial decisionmaking with respect to permits, either substantively or procedurally.

"(2) IMPARTIAL DECISIONMAKING.—In carrying out this section, the Secretary shall ensure that the evaluation of permits carried out using funds accepted under this section shall—

"(A) be reviewed by—

"(i) the District Commander, or the Commander's designee, of the Corps District in which the project or activity is located; or

"(ii) the Commander of the Corps Division in which the District is located if the evaluation of the permit is initially conducted by the District Commander; and

"(B) utilize the same procedures for decisions that would otherwise be required for the evaluation of permits for similar projects or activities not carried out using funds authorized under this section.

"(c) LIMITATION ON USE OF FUNDS.—None of the funds accepted under this section shall be used to carry out a review of the evaluation of permits required under subsection (b)(2)(A).

"(d) PUBLIC AVAILABILITY.—The Secretary shall ensure that all final permit decisions carried out using funds authorized under this section are made available to the public, including on the Internet.;" and

(4) in subsection (e) (as redesignated) by striking "2010" and inserting "2016".

## SEC. 2. COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO ACT OF 2010.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from Florida (Mr. MARIO DIAZ-BALART) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

### GENERAL LEAVE

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield myself such time as I may consume.

I am pleased to rise to support H.R. 6184, a bill to extend through the end of 2016 the authority of the Secretary of the Army to accept funds from non-Federal public entities for the consideration of permits under the Clean Water Act and the Rivers and Harbor Act of 1899.

This language is modeled after language included in the Water Resources Development Act of 2010 that was favorably approved by the Committee on Transportation and Infrastructure in July of this year. And while I am disappointed that the larger water resources development bill is not likely to be enacted before the end of this Congress, I support the efforts of the gentleman from Washington (Mr. LARSEN) to provide a 5-year extension of the Corps' section 214 permit review authority. The authority expires at the end of the current calendar year, and this legislation will continue the program through the end of December 2016.

Madam Speaker, I support the inclusion of several commonsense reforms to the 214 program contained in this legislation which aim at addressing the potential conflict of interest that arises when a permittee can contribute funds to a government regulatory agency for review of its permit application. As chairwoman of the Subcommittee on Water Resources and Environment, I have joined with my chairman in carefully monitoring the implementation of this authority. While it is very popular for those that have used it, there has been an ongoing concern that allowing a regulated entity to pay the costs of its regulator could affect the objectivity of that regulator.

In May of 2007, the Government Accountability Office issued a report that expressed concern with the overall implementation of this section 214 authority. This report recommended several improvements to increase the overall transparency and impartiality of Corps permit reviews conducted with outside funds.

Many of these recommendations are codified in H.R. 6184, including the requirement that any permit reviewed under the 214 program undergo a higher order review by the Corps district commander or an appropriate designee.

In addition, this legislation requires the Corps to publicly disclose, including on the Internet, copies of all final permit decisions that are reached utilizing the 214 authority. In my view, this additional level of public disclosure will provide an appropriate safeguard to ensure the integrity of the Corps' regulatory authorities, as well as the integrity of the 214 program. In carrying out this authority, the Corps should make every effort to have these records easily accessible to the general public and disclosed in a timely manner.

Finally, this legislation clarifies the original intent of the 214 program to be available only to public entities for projects that are for a public purpose.

The May 2007 GAO report highlighted one Corps district that had utilized the 214 authority to process a permit for a private development project.

□ 1640

This is inconsistent with the intent of this program. The amendments made by H.R. 6184 clarify this point and ensure that only projects for a public purpose may be reviewed using this authority.

I support the passage and quick enactment of this extension, and I reserve the balance of my time.

Mr. MARIO DIAZ-BALART of Florida. I yield myself such time as I may consume.

Madam Speaker, I rise today in qualified support of H.R. 6184, to authorize an extension of the Army Corps of Engineers' section 214 program.

As was just described, section 214 of the Water Resources Development Act of 2000 allows the Army Corps of Engineers to accept and, frankly, to expend funds provided by non-Federal public entities to hire additional personnel to process regulatory permits, something that we had heard time and time again was quickly needed.

Now, most Members of this body support a permanent extension of section 214, Madam Speaker. I'm not quite sure and I've yet to understand what makes this program so different and so special that it requires temporary extensions and not just a permanent program.

So, Madam Speaker, I say that I offer qualified support of H.R. 6184 because, while this legislation is needed—and there is no doubt that it is needed—my colleague from Texas (Mr. OLSON) has offered a much better piece of legisla-

tion. Mr. OLSON's legislation, H.R. 4162, will authorize a permanent extension of the program, not a 5-year temporary patch or a temporary extension offered by this bill.

Congress has been forced to temporarily extend this program six times since it was authorized in the Water Resources Development Act of 2000. Yet the Committee on Transportation and Infrastructure has heard from Members on both sides of the aisle—this is not a partisan issue—supporting a permanent extension of the section 214 program.

Again, I have heard no Member object to a permanent extension of the section 214 program. The Corps of Engineers has now the adequate experience in running the program, and recent Government Accountability Office observations concur with this assessment. Yet here we are again on the House floor, moving a temporary extension of an excellent, proven, tested program.

Authority for this program expires on December 31 of this calendar year. So, obviously, if this program were allowed to expire, the Corps would not have the ability to process permits in a timely manner as they need to.

I want to thank Representative OLSON and Representative LARSEN for their efforts on this issue.

I urge all Members to vote in favor of H.R. 6184; but I must tell you that I do wish we were passing a permanent extension of the section 214 program today, not a temporary one.

Madam Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield such time as he may consume to the gentleman from the State of Washington (Mr. LARSEN).

Mr. LARSEN of Washington. I want to thank the chair of the Transportation and Infrastructure Subcommittee for helping to bring this bill to the floor, and of course I thank both sides of the aisle on the full committee for bringing this bill to the floor.

Madam Speaker, I rise today in support of H.R. 6184. This bill extends section 214 authority of the Water Resources Development Act of 2000 through 2016. It is currently authorized through December 31 of this year.

As my good friend and colleague from Florida just noted, many Members of Congress want to make this a permanent program. I am one of those Members. However, we were able to get to a point where we could move it from the annual reauthorizations that we were doing, which is why it has been reauthorized six or seven times, to a 5-year reauthorization at this point. I certainly look forward to working with Mr. OLSON in the next session of Congress to see what we can do about its permanent authorization.

This program allows local governments to fund additional U.S. Army Corps of Engineers staff time to expedite the processing of permits for infrastructure and ecosystem restoration

projects. Section 214 was enacted by Congress because the Corps of Engineers' permitting process had become cumbersome for both Corps staff and for applicants as the number of permit applications rose.

By funding additional staff to work on specific, time-intensive permits, existing Corps staff is now able to process significant permit backlogs more quickly. Funding for additional Corps staff has resulted in a reduction of permit wait times, not only for the funding entity, but for any individual organization seeking a permit. As a result, local governments are now able to move forward with infrastructure and ecosystem restoration projects in a much more timely manner.

To give you an idea as to what this has meant in Washington State, section 214 is currently being used by over 41 public agencies in 20 Corps districts. In Washington State, the city of Seattle was the first public entity in the country to develop and use this facilitated permitting process. The city has used the section 214 program for 285 projects, representing over \$1.1 billion in capital investments. Seven years of using this program has resulted in an estimated cost savings of \$10.6 million. The average review time per project has been reduced from over 808 days to an average now of 47 to 166 days.

In a region where we have to balance some of the most difficult environmental issues in the country and where we have the second highest commerce and trade area of any region in the country, section 214 is key to overcoming some permitting delays and other challenges.

So the authority granted by 214 has worked well in practice. This authority does need to be reviewed so additional staff can remain on the job without interruption. It makes several important improvements, as the subcommittee chair has noted—improvements that were suggested by the GAO—and these changes will enhance the oversight of the program.

I also want to note that this bill has the support of the U.S. Chamber of Commerce, the American Association of Port Authorities, the American Public Works Association, and the National Association of Flood & Stormwater Management Agencies.

Finally, I want to note as well that the father of this particular section of the Water Resources Development Act is our colleague BRIAN BAIRD, who has retired and is finishing out his last term in Congress. We certainly owe a debt of gratitude to our colleague Mr. BAIRD for bringing this issue up in the first place back in '98, '99 and 2000 and getting it in WRDA of 2000.

We now need to reauthorize it for 5 years and move this bill forward. I ask my colleagues to support it.

Mr. OBERSTAR. Madam Speaker, I rise in support of H.R. 6184, as amended, a bill to amend section 214 of the Water Resources Development Act of 2000, to extend the authority of the Secretary of the Army to accept

funds from non-Federal public entities for the consideration of permits under the Clean Water Act and the Rivers and Harbors Appropriation Act of 1899.

I applaud the efforts of the gentleman from Washington (Mr. LARSEN) for introducing this bill, and for his efforts to codify the recommendations of the Government Accountability Office (GAO) to avoid any potential conflicts-of-interest in the implementation of this authority.

Since its enactment, the Committee on Transportation and Infrastructure has been carefully monitoring the implementation of the section 214 authority. While this authority is very popular for those public entities that have used it, the Committee has expressed concern that allowing a regulated entity to contribute to the cost of its regulator has the potential to affect the objectivity of that regulator. This would be contrary to the intent of the Clean Water Act and the Rivers and Harbors Act of 1899, and contrary to the intent of Congress in enacting the section 214 authority.

In recognition of this concern, I requested that GAO review the Corps' implementation of the section 214 program. In May 2007, GAO released a report, *Waters and Wetlands: Corps of Engineers Needs to Ensure That Permit Decisions Made Using Funds from Nonfederal Public Entities Are Transparent and Impartial* (GAO-07-478), which demonstrated significant variability on the implementation of the section 214 program among the Corps District offices that had experience with the program. This report recommended that the Corps implement a series of measures to avoid any potential conflict of interests in carrying out its regulatory responsibilities.

Several of the concerns raised by GAO are addressed in the amendments to section 214 made by this bill.

First, H.R. 6184 amends section 214 to clarify that the Secretary may only utilize this authority for the consideration and review of permits related to projects for a public purpose.

The May 2007 GAO report noted that one Corps District had allowed a public entity to request the Corps review a private company's permit application under section 214. This is contrary to the intent of the section 214 program, which was created to allow non-Federal public entities to utilize the program to expedite the review of permits for projects for a public purpose, such as the construction of port facilities or public water supply projects.

H.R. 6184 clarifies that the Corps may not utilize the section 214 authority to consider and review permit applications for projects or activities that primarily benefit private individuals or companies. The intent of this provision is to prohibit public entities from acting as a liaison for expedited review of private development projects, which should, more appropriately, be pursued under the traditional regulatory review process.

Second, this legislation adds a new subsection to codify a "higher-order review" requirement under the section 214 program. This provision requires the Corps to have all permits considered under this expedited authority be reviewed by a more senior Corps official, such as the Corps District Commander, or his designee. This recommendation is consistent with the findings of the May 2007 GAO report, and consistent with the Corps' implementation guidance for the section 214 program.

In carrying out this "higher-order review" authority, the Corps is directed to include information on what higher-order review was undertaken in its public disclosure of permits reviewed under this authority. In addition, funds contributed under section 214 by non-Federal public entities cannot be used to carry out the higher-order review requirements of this subsection.

In addition, H.R. 6184 adds a new subsection that directs the Secretary to make all final permit decisions carried out using section 214 funds available to the public, including on the Internet. This recommendation is consistent with the findings of the May 2007 GAO report.

However, in a February 2010 follow-up report that I requested, GAO noted that the Corps had "fallen short in two significant oversight areas," including improving the transparency of decision making to the public by clearly posting public notices of funding decisions on District Internet sites.

This legislation codifies the requirement for public disclosure for each and every permit that utilizes the 214 authority. To the maximum extent practicable, the Corps should make these permit decisions easily accessible and searchable on its website.

Finally, this legislation extends the authority for the Secretary of the Army to utilize the section 214 program through December 31, 2016.

Madam Speaker, the section 214 program was established in 2000 with the goal of expediting the permitting review process for both those parties that utilize the 214 authority, and those that do not. This is a laudable goal, but one that has been elusive to date for a myriad of reasons.

The additional safeguards called for in H.R. 6184 should help reduce the potential conflicts-of-interest between the regulators and the regulated community that are inherent in allowing contributions to the regulatory review process. However, this Committee should continue to oversee the implementation of the accountability measures called for by GAO and others to ensure that use of the section 214 program does not compromise the integrity of the regulatory process and finally achieves its goals of expediting the permit review process for all.

Madam Speaker, the text of this legislation was included as part of H.R. 5892, the "Water Resources Development Act of 2010", which the Committee on Transportation and Infrastructure ordered reported by voice vote on July 29, 2010. While my hope would have been to move the 214 extension as part of a broader water resources development bill, this does not seem possible in the remainder of the 111th Congress.

I urge my colleagues to join me in supporting H.R. 6184.

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I have no further requests for time, I simply would ask all of the Members to support this measure, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) that the

House suspend the rules and pass the bill, H.R. 6184, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### FEDERAL BUILDINGS PERSONNEL TRAINING ACT OF 2010

Mr. CARNAHAN. Madam Speaker, I move to suspend the rules and pass the bill (S. 3250) to provide for the training of Federal building personnel, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3250

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Federal Buildings Personnel Training Act of 2010”.

#### SEC. 2. TRAINING OF FEDERAL BUILDING PERSONNEL.

(a) IDENTIFICATION OF CORE COMPETENCIES.—Not later than 18 months after the date of enactment of this Act, and annually thereafter, the Administrator of General Services, in consultation with representatives of relevant professional societies, industry associations, and apprenticeship training providers, and after providing notice and an opportunity for comment, shall identify the core competencies necessary for Federal personnel performing building operations and maintenance, energy management, safety, and design functions to comply with requirements under Federal law. The core competencies identified shall include competencies relating to building operations and maintenance, energy management, sustainability, water efficiency, safety (including electrical safety), and building performance measures.

(b) DESIGNATION OF RELEVANT COURSES, CERTIFICATIONS, DEGREES, LICENSES, AND REGISTRATIONS.—The Administrator, in consultation with representatives of relevant professional societies, industry associations, and apprenticeship training providers, shall identify a course, certification, degree, license, or registration to demonstrate each core competency, and for ongoing training with respect to each core competency, identified for a category of personnel specified in subsection (a).

(c) IDENTIFIED COMPETENCIES.—An individual shall demonstrate each core competency identified by the Administrator under subsection (a) for the category of personnel that includes such individual. An individual shall demonstrate each core competency through the means identified under subsection (b) not later than one year after the date on which such core competency is identified under subsection (a) or, if the date of hire of such individual occurs after the date of such identification, not later than one year after such date of hire. In the case of an individual hired for an employment period not to exceed one year, such individual shall demonstrate each core competency at the start of the employment period.

(d) CONTINUING EDUCATION.—The Administrator, in consultation with representatives of relevant professional societies, industry associations, and apprenticeship training

providers, shall develop or identify comprehensive continuing education courses to ensure the operation of Federal buildings in accordance with industry best practices and standards.

(e) CURRICULUM WITH RESPECT TO FACILITY MANAGEMENT AND OPERATION OF HIGH-PERFORMANCE BUILDINGS.—Not later than 18 months after the date of enactment of this Act, and annually thereafter, the Administrator, acting through the head of the Office of Federal High-Performance Green Buildings, and the Secretary of Energy, acting through the head of the Office of Commercial High-Performance Green Buildings, in consultation with the heads of other appropriate Federal departments and agencies and representatives of relevant professional societies, industry associations, and apprenticeship training providers, shall develop a recommended curriculum relating to facility management and the operation of high-performance buildings.

(f) APPLICABILITY OF THIS SECTION TO FUNCTIONS PERFORMED UNDER CONTRACT.—Training requirements under this section shall apply to non-Federal personnel performing building operations and maintenance, energy management, safety, and design functions under a contract with a Federal department or agency. A contractor shall provide training to, and certify the demonstration of core competencies for, non-Federal personnel in a manner that is approved by the Administrator.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CARNAHAN) and the gentleman from Florida (Mr. MARIO DIAZ-BALART) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

#### GENERAL LEAVE

Mr. CARNAHAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on S. 3250.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CARNAHAN. I yield myself such time as I may consume.

Madam Speaker, I rise today in strong support of S. 3250. This bill has bipartisan sponsorships in the Senate by Senators CARPER and COLLINS. It is the Federal Buildings Personnel Training Act. The legislation passed the Senate by unanimous consent, and it is identical to H.R. 5112, introduced by me and my Republican colleague, Representative JUDY BIGGERT of Illinois. The bill also passed out of the House Transportation and Infrastructure Committee on a voice vote.

At a time when many people are tired of partisan gridlock here in Washington, I believe this legislation is a good example of what we can do when we work across the aisle to accomplish commonsense legislation that will safeguard taxpayer investments, will provide certainty to small business and, most importantly, will save taxpayers money.

□ 1650

Madam Speaker, when we invest in our Federal facilities, we also need to invest in the people operating and maintaining them. The American Recovery and Reinvestment Act included a substantial investment of \$5.5 billion apportioned to the GSA to upgrade its facilities. In order to safeguard this substantial investment, I want to ensure that GSA and other Federal agencies have the tools necessary to properly maintain and operate these buildings at their highest performance levels.

Late last year, a Government Accountability Office report found that a lack of proper expertise and training was a major challenge for the Federal Government in reaching its energy reduction goals. This legislation will fill the training gap. Most importantly, by filling the training gap, the Federal Buildings Personnel Training Act will save taxpayer dollars on operations and maintenance costs.

The Federal Government currently consumes about 2 percent of the Nation's total energy, or about \$17.5 billion in annual energy costs. The potential for cost savings here is huge. In fact, a recent study by the International Facility Management Association showed that for every dollar spent on facility management training, organizations reported receiving an average of \$3.95 in return. If we are to be responsible stewards of taxpayer dollars, in addition to investing in energy-efficient buildings, we must invest in the people maintaining those buildings so we can recoup the largest energy and cost savings possible.

This legislation will help ensure that our Federal buildings are run in a way that maximizes their performance, assuring that they retain value throughout their lifecycles and that the taxpayer investments in these properties are both protected and leveraged to reap the cost savings involved with efficient operations and management.

I want to personally thank the Republican cosponsor, my colleagues, Representative PETE SESSIONS and Representative JUDY BIGGERT, for their support throughout this process. Representative BIGGERT and I cochair the High-Performance Buildings Caucus and we have continually advocated for the Federal Government to lead by example in high-performance building practices.

I also want to give special thanks to Chairman OBERSTAR—for his long and distinguished leadership on this issue—and to Ranking Member MICA for their support to bring this bill to the floor.

Madam Speaker, I would like to insert into the RECORD a support letter from over 50 of the country's leading building professionals, manufacturers, and small businesses. They are pleased to support this legislation and are poised to provide the necessary training to achieve both public and private sector goals.



HIGH-PERFORMANCE BUILDING  
CONGRESSIONAL CAUCUS COALITION,  
December 1, 2010.

Speaker NANCY PELOSI,  
House of Representatives,  
Washington, DC.

Minority Leader JOHN BOEHNER,  
House of Representatives,  
Washington, DC.

Re: Federal Buildings Personnel Training  
Act of 2010

DEAR SPEAKER PELOSI AND MINORITY LEADER BOEHNER: As the leading organizations involved in the design, construction, operation and maintenance of buildings, we applaud Congress's continued efforts to improve our nation's buildings. We are particularly pleased to support H.R. 5112/S. 3250, "Federal Buildings Personnel Training Act of 2010." In the final days of the 111th Congress, we encourage passage of this important legislation—it has already passed the Senate by voice vote.

As you know, Congress and the President have established stringent goals for Federal agencies to achieve reductions in energy and water use and greenhouse gas emissions. Agencies also have additional needs related to other high-performance building attributes, including safety and security. Achieving these goals requires personnel engaged in the design, construction, operation and maintenance of federal buildings to have the appropriate skills and training. This bill will provide federal agencies with these necessary tools with no significant impact on the deficit.

Federal agencies have long been looked to as an example of what can be done within the built environment. As the Nation's largest holder of real estate, the Federal Government has the opportunity and resources to influence the development and implementation of building design, construction, operations and maintenance tools, technologies and practices. Federal buildings should serve as public showcases and leading examples of energy efficiency and indoor environmental quality (IEQ) through their design, construction, equipment, and operations and maintenance.

As both public and private sector buildings become increasingly complex to meet our nation's energy and environmental goals, personnel with the necessary competencies will be critical to achieving these goals. The undersigned organizations representing the breadth of the building community including building professionals, manufacturers, and small businesses, are pleased to support this legislation and are poised to provide the necessary training to achieve both public and private sector goals.

We look forward to continued work with you in realizing the full potential of high-performance buildings.

Sincerely,

National Institute of Building Sciences (NIBS); American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE); International Facility Management Association (IFMA); National Electrical Manufacturers Association (NEMA); U.S. Green Building Council (USGBC); International Association of Plumbing and Mechanical Officials (IAPMO); Federation of American Scientists (FAS); National Fire Protection Association (NFPA); International Code Council (ICC); Polyisocyanurate Insulation Manufacturers Association (PIMA); American Institute of Architects (AIA); Spray Polyurethane Foam Alliance (SPFA); United Association—Union of Plumbers, Fitters, Welders and HVAC Service Techs; Green Mechanical Council; The Stella Group,

Ltd.; Association for Facilities Engineering (AFE); Mechanical Contractors Association of America (MCAA); National Society of Professional Engineers (NSPE); BuildingInsight, LLC; American Council of Engineering Companies (ACEC); Green Building Initiative (GBI); Ecobuild America/AEC Science & Technology, LLC; American Society of Landscape Architects (ASLA); Air-conditioning, Heating and Refrigeration Institute (AHRI); National Fenestration Rating Council (NFRC); Center for Environmental Innovation in Roofing (CEIR); The Radiant Panel Association; Carbon Monoxide Safety Association (COSA); Educational Standards Corporation Institute (ESCO Institute); HVAC Excellence; Air Conditioning and Refrigeration Association (AC&R); Federal Performance Contracting Coalition; Sustainable Buildings Industry Council (SBIC); National Insulation Association (NIA); InfoComm International; Building Intelligence Group; Sheet Metal and Air Conditioning Contractors National Association, Inc. (SMACNA); Architecture 2030; LonMark International; Environmental and Energy Study Institute (EESI); American Society of Civil Engineers (ASCE); BASF; EIFS Industry Members Association (EIMA); Plumbing-Heating-Cooling Contractors—National Association (PHCC); Johnson Controls; APPA: Leadership in Educational Facilities; International Association of Lighting Designers (IALD); The Vinyl Institute; Illuminating Engineering Society (IES); DuPont; Brick Industry Association; Association of Energy Engineers (AEE); Siemens.

Madam Speaker, I reserve the balance of my time.

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this bill would require, as we have just heard, the General Services Administration to consult with various professional associations in order to establish training and certification requirements for Federal and private personnel who maintain Federal buildings. Now, the purpose of this bill is a very good one. With all of the taxpayer money and dollars that have been invested in the high-performance green buildings, we obviously need to ensure that those maintaining them are, frankly, properly trained; otherwise, that money is, frankly, just thrown away. So I want to thank Representative CARNAHAN as well as—and he has mentioned also—Representative BIGGERT and Representative SESSIONS for their leadership and work on this really, really important issue.

There are a few caveats that I just want to put out there, and we have had this conversation and there is no disagreement here. It is going to be very important, Madam Speaker, after passage of this legislation, that we ensure that GSA implements this appropriately. In particular, it would be important that GSA doesn't develop such broad training requirements that it becomes, frankly, too costly and burdensome for small businesses to be able to do that. In addition, it is going to be really important, Madam Speaker, for

GSA to ensure that conflicts, potential conflicts, conflicts of interest are not created and that appropriate Federal laws and rules governing advice from private entities are strictly followed. As this bill is implemented, our committee will be conducting close oversight to ensure the requirements in this bill are carried out in a reasonable manner.

I am not going to object to the passage of this legislation. As I mentioned, I want to thank the sponsors for their hard work.

Madam Speaker, I reserve the balance of my time.

Mr. CARNAHAN. Madam Speaker, I yield 5 minutes to the chairwoman of the Federal Buildings Subcommittee of Transportation, Delegate ELEANOR HOLMES NORTON.

Ms. NORTON. I thank the gentleman for yielding, but I need to thank him for much more, for not only sponsoring this bill, but for shepherding this bill. It was not always smooth sailing, but it was mostly smooth sailing because its underlying purpose is so clear and necessary. I appreciate that it has been a bipartisan bill both here and in the Senate. I certainly appreciate its bipartisan sponsorship by Representative BIGGERT and you, Mr. CARNAHAN. I know that this bill will be gratifying to Mr. OBERSTAR, who has presided over much of the building of the Federal inventory during his extraordinary service here in the House.

May I thank my good friend, the ranking member, Mr. Diaz-Balart, with whom I've worked so closely and so well since I became chair, for his work not only on this bill but on the many bills and the many hearings we have held together.

Madam Speaker, what we have to consider is that the Federal building inventory amounts to \$43 billion of investment of the taxpayers of the United States over many decades. It is clearly irreplaceable. Some of it is familiar to us all—the buildings here in Washington, such as the Justice Department, or your own office building when you go home to invite in your constituents and to do your constituent service, the courthouses where you are. But there has been little investment in this inventory, even inventory close to home.

We had a hearing in our subcommittee that showed scores of violations in the buildings of the Capitol complex, which I am pleased to say are now being quickly remedied, but some of them would have endangered the lives of the millions of people who visit the Capitol every year, not to mention the many thousands who live here. So this is a particularly gratifying piece of legislation.

Every year, our committee approves hundreds of millions of dollars in projects of construction and repair and modernization, nothing, however, like what we have done recently. Because of the American Recovery and Reinvestment Act, Congress took the opportunity to invest in the updating of

more than \$5 billion in GSA inventory which had been untouched and was a growing backlog. And we didn't simply invest in it by saying fix the roofs. We said save the taxpayers money by upgrading to state-of-the-art energy systems so that we save the taxpayers more money than we are investing today and we begin to catch up on the backlog of many decades of disinvestment in our own priceless inventory.

So we are upgrading these federally owned facilities with more energy-efficient and sustainable building components for the first time in memory. This investment will be important; but if we allow these buildings to deteriorate as so much of our inventory has, we will pour the investment right down the drain. That means that you now will have contractors, subcontractors, yes, and many employees who are being asked to maintain inventory that has entirely new components of the kind they have never had to operate and maintain before, because these are energy-efficient, new state-of-the-art materials.

□ 1700

In order to maintain this extraordinary investment, this once-in-a-lifetime investment for the Congress, we will want a workforce that is trained and operating to keep this inventory at peak performance so that we don't see it deteriorate before our eyes as we have seen so much of the Federal inventory.

We now know that design and construction costs, for example, represent only about 5 or 10 percent of the costs of a facility.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. CARNAHAN. I yield 1 additional minute to the gentlewoman.

Ms. NORTON. But operations and maintenance represents 60 to 85 percent of the costs of a facility over its lifetime. Look what we're doing here today. We've saved the taxpayer money by investing in energy efficiency. Now we're going to save money for all of us, and especially the taxpayers, by investing in what it will take, curriculum and training, to keep these buildings at peak performance and thereby maximize our investment.

I thank the gentleman for his hard work and for yielding.

Mr. MARIO DIAZ-BALART of Florida. Before I recognize the following distinguished Member, I do want to just mention, I don't know how many other opportunities as ranking member I'm going to have here on the floor, and I just want to mention what a privilege it has been to work with my chairwoman. She has been, frankly, wonderful to work with. We have enjoyed a great working relationship, and I think that working relationship has really grown into a bit of a personal friendship. And I want to thank her for always being exceedingly courteous to me.

And I also need to mention Chairman OBERSTAR. I was able to speak to him

at length a couple days ago, and I would be remiss if I didn't mention how much I've enjoyed working with him.

With that, Madam Speaker, I'd like to recognize—she's already been mentioned a couple of times—the gentlelady from the State of Illinois, Representative BIGGERT, for such time as she may consume.

Mrs. BIGGERT. I thank the gentleman for yielding the time.

Madam Speaker, I would like to begin by thanking my colleagues, Senator TOM CARPER and SUSAN COLLINS, and especially the cochair of the Congressional High-Performance Building Caucus, Representative Russ Carnahan, and also Representative Pete Sessions for all of their hard work in bringing this bipartisan legislation before us today.

The Federal Buildings Personnel Training Act of 2010 will save taxpayers dollars, it's been mentioned many times, by putting Federal buildings on the cutting edge of energy efficiency and will help build expertise among America's workforce needed for tomorrow's green jobs.

As my colleagues are aware, the Federal Government is the Nation's largest property manager, with more than 500,000 buildings and structures worldwide. So this bill presents an opportunity to lead by example and to demonstrate the immense savings and efficiency that can be achieved by making smart investments in human energy through the Federal workforce.

This bill will help ensure that Federal buildings are operating at peak efficiency. It will equip Federal employees who maintain our buildings with the resources they need to utilize green building technologies, implement industry best practices, and cut energy costs for the public.

Madam Speaker, thanks to America's scientists and engineers, we are making rapid strides in sustainable building technologies and designs. But the full rewards of this work, both to the environment and to taxpayers, cannot be realized unless our building managers have the training to utilize them.

The Federal Buildings Personnel Training Act of 2010 will require the General Services Administration to identify core competencies necessary for Federal personnel to utilize high-performance building practices and technologies. The GSA will then work with private industry and institutions of higher learning to create comprehensive continuing education courses to ensure that the Federal employees know how to employ green technologies. This training will ensure that the Federal Government can meet its energy reduction goals and get a proper return on taxpayers' investment.

Madam Speaker, American taxpayers are demanding a renewed focus on eliminating wasteful government spending, and this bipartisan bill presents an opportunity to do just that while conserving our domestic energy supply.

The Federal Buildings Personnel Training Act will put us on the forefront of building technology and transform our Nation's building stock for years to come. Just as importantly, it makes an investment in the training of our workforce that will help American workers compete for the green jobs of tomorrow.

Again, I would like to thank the gentleman from Missouri, my colleague and cochair of the High-Performance Building Caucus, for his hard work in bringing forward this bill. And I'd like to thank Chairman NORTON for her support and Ranking Member MICA and particularly Chairman OBERSTAR. He will certainly be missed here on this House floor, and I know that we all wish him well.

I would urge my colleagues to support this bill.

Mr. OBERSTAR. Madam Speaker, I rise in strong support of S. 3250, a bill to promote professionalism and competency among the ranks of individuals, both Federal employee and contractor, who operate and maintain building systems in Federal buildings. For a number of building operation functions and disciplines, the bill requires the Administrator of General Services, in consultation with other Federal agencies and building industry representatives, to identify core competencies and appropriate training and certifications, which will enable personnel working in these fields to demonstrate acquisition and mastery of the skills and knowledge that will help ensure that Federal buildings perform and are maintained in accordance with industry best practices.

This Committee has been instrumental, through the American Recovery and Reinvestment Act, in providing the General Services Administration with \$4.5 billion to upgrade Federally owned facilities with more energy efficient and sustainable building components and systems. S. 3250 is an effort to safeguard this investment, as well as other Federal investment in energy-efficient building infrastructure, to ensure that this infrastructure is well maintained and operating at peak performance.

Findings by the Government Accountability Office and the National Research Council indicate that, over a building's full life cycle, operations and maintenance expenses account for 60 to 85 percent of the total cost of a facility, compared to 10 percent for initial design and construction. These findings underscore the importance of optimizing the performance and care of building equipment and components which play a vital role in the energy efficiency of facilities. By establishing core competencies for building operations personnel, S. 3250 enhances the likelihood that this optimization occurs. The bill has the support of the High-Performance Building Congressional Coalition, and over 40 building industry associations and professional societies. Moreover, this legislation helps support energy efficiency goals established for Federal buildings in the Energy Policy Act of 2005 and the Energy Independence and Security Act of 2007.

On July 29, 2010, the Committee on Transportation and Infrastructure met in open session to consider the House version of this bill, H.R. 5112, and ordered the bill reported favorably to the House by voice vote.

I urge my colleagues to join me in supporting S. 3250.

Mr. MARIO DIAZ-BALART of Florida. I yield back the balance of my time.

Mr. CARNAHAN. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CARNAHAN) that the House suspend the rules and pass the bill, S. 3250.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### CONGRATULATING THE NATIONAL AIR TRANSPORTATION ASSOCIATION ON ITS 70TH ANNIVERSARY

Mr. CARNAHAN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1669) congratulating the National Air Transportation Association for celebrating its 70th anniversary, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 1669

Whereas the National Air Transportation Association (NATA) was founded 70 years ago on December 28, 1940, with 83 charter member companies who were instrumental in supporting the Civilian Pilot Training Program (CPTP);

Whereas on December 27, 1938, the CPTP was formed by President Franklin D. Roosevelt who approved a Civil Aeronautics Authority plan to boost the private flying industry by annually teaching 20,000 college students to fly;

Whereas the CPTP trained thousands of new pilots;

Whereas in 1940, NATA was instrumental in working with Congress to support the CPTP;

Whereas the current general aviation industry owes much to the foresight and resiliency of the founders of NATA, William A. Ong and Leslie H. Bowman, the association's first two presidents, as well as George E. Haddaway, John L. Gaylord, and others who played a strong role in the organization's formation;

Whereas the general aviation industry accounts for hundreds of thousands of American jobs and contributes approximately \$90 billion to the United States economy;

Whereas today NATA represents over 2,000 member companies that own, operate, or service aircraft and provide for the needs of the traveling public by offering services and products to aircraft operators and others such as fuel sales, aircraft maintenance, parts sales, storage, rental airline servicing, flight training, Part 135 on-demand air charter, fractional aircraft program management, and scheduled commuter operations for smaller aircraft;

Whereas NATA continues to represent the legislative, regulatory, and business interests of general aviation businesses;

Whereas NATA provides education, services, and benefits to its members to ensure their long-term economic success;

Whereas NATA is dedicated to establishing programs to improve general aviation safety; and

Whereas NATA established the Air Charter Safety Foundation to continuously enhance the safety and security practices of charter and shared aircraft owners and operators in the United States and worldwide: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the National Air Transportation Association for celebrating its 70th anniversary;

(2) applauds the National Air Transportation Association for creating programs and resources to enhance the safety of general aviation operators; and

(3) commends the National Air Transportation Association for being instrumental in bolstering the general aviation industry during a time of turmoil in the 1940s.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CARNAHAN) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

##### GENERAL LEAVE

Mr. CARNAHAN. I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 1669.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CARNAHAN. I yield myself such time as I may consume.

Madam Speaker, I rise in support of H. Res. 1669, as amended, which congratulates the National Air Transportation Association for celebrating its 70th anniversary.

As this resolution recognizes, NATA played an indispensable role in the development of general aviation in the United States. Since its founding in 1940, at a time when general aviation in the U.S. was at a crossroads, NATA has grown to represent more than 2,000 companies that own, operate, or service aircraft and provide services to general aviation pilots and aircraft owners. NATA serves as these companies' advocate before Federal policymakers and lawmakers.

The general aviation industry supports thousands of American jobs and is an essential contributor to the U.S. economy. Since its founding, the National Air Transportation Association has played a major role in advocating for a vibrant and healthy general aviation industry.

H. Res. 1669 recognizes NATA's historical contributions to general aviation and congratulates them for its 70th anniversary. I urge my colleagues to join me in supporting this resolution.

I reserve the balance of my time.

Mr. PETRI. Madam Speaker, I yield such time as he may consume to the author of the resolution before us, my colleague from Tennessee, JAMES DUNCAN.

□ 1710

Mr. DUNCAN. Madam Speaker, I thank the gentleman from Wisconsin for yielding.

I rise today in support of House Resolution 1669, to congratulate and compliment the National Air Transportation Association on its 70th anniversary, and for its advocacy of general aviation in the United States of America. NATA is the leading organization representing aviation service businesses such as fixed base operators, charter providers, and aircraft management companies.

At the start of World War II, the Federal Government drafted plans to ground all private aviation for the duration of the war. Such a ban would have crippled general aviation in this country for years to come. However, 83 founding members started the NATA in 1940 with the purpose of showing how private aviation could be an asset to our country and to its national security, and certainly not a threat. In fact, the NATA helped save the Civilian Pilot Training Program that was created by President Franklin Roosevelt just a few years earlier. This program trained thousands of college students to fly, many of whom later contributed to the war effort.

Today, NATA represents over 2,000 member companies that own, operate, or service aircraft, and provide for the needs of the traveling public by offering services and products to aircraft operators and others such as fuel sales, aircraft maintenance, parts sales, storage, rental airline services, flight training, Part 135 on-demand air charters, fractional aircraft program management, and scheduled commuter operations from smaller aircraft.

There are more than 230,000 general aviation aircraft in the United States, which use nearly 19,000 small and regional airports. These airports help connect people and industries that do not always have easy access to our larger commercial airports. In addition, the general aviation industry represents millions of jobs, and contributes \$150 billion to the U.S. economy. General aviation is a vital component of the transportation industry in the United States.

Not only does the association represent aviation interests in Washington, it takes an active role in promoting aviation in our communities. NATA provides grants to schools for the purpose of purchasing educational materials. The NATA also provides scholarships to young people who are interested in pursuing a career in aviation.

Madam Speaker, I served as chairman of the Subcommittee on Aviation for 6 years. I personally witnessed the National Air Transportation Association's tireless efforts on behalf of private aviation.

Finally, I would like to mention that the president of this association is our former colleague, former Congressman Jim Coyne. While in Congress, Congressman Coyne regularly flew to and from his congressional district in Pennsylvania. He has served in this position since 1994. And I would like to



say that the members of the NATA are very fortunate to have someone with his knowledge of the aviation community to lead their association.

I introduced this resolution to recognize this association and its contributions to private aviation. I hope my colleagues will join me in support of this bill.

Mr. CARNAHAN. I reserve the balance of my time.

Mr. PETRI. Madam Speaker, I rise in support of the resolution before us sponsored by my colleague from Tennessee (Mr. DUNCAN), congratulating the National Air Transportation Association for celebrating the organization's 70th anniversary. The resolution also applauds the association's efforts over the years to improve general aviation safety and bolster the general aviation industry.

NATA represents over 2,000 member companies that provide millions of jobs in the United States that support the general aviation industry. NATA member companies provide for many of the behind the scenes support for general aviation, including fuel sales, aircraft maintenance, parts sales, storage, and flight training, just to name a few. These sectors of the general aviation industry support jobs for millions of Americans and contribute \$150 billion to the United States economy.

NATA played a big role in the resurgence of aviation after World War II and continues to play an important advocacy role for its member companies. Most importantly, the association plays an active role in improving safety for its member companies and the traveling public.

I support the resolution, and urge my colleagues to adopt the resolution.

Mr. OBERSTAR. Madam Speaker, I rise in support of H. Res. 1669, as amended, which congratulates the National Air Transportation Association (NATA) for celebrating its 70th anniversary. NATA was founded on December 28, 1940, at a critical moment in the development of general aviation in the United States. At its founding, NATA represented 83 aerospace companies whose leaders unified to represent the interests of general aviation before Congress.

Today, NATA represents more than 2,000 member companies that own, operate, or service aircraft and provide for the needs of the traveling public by offering services and products to aircraft operators and others. General aviation stimulates local and regional economies and supports hundreds of thousands of jobs.

H. Res. 1669 recognizes NATA's historical contributions to general aviation and congratulates NATA for celebrating its 70th anniversary. I urge my colleagues to join me in supporting this resolution.

Mr. PETRI. I have no further requests for time, and I yield back the balance of my time.

Mr. CARNAHAN. Madam Speaker, I want to thank the gentleman from Tennessee (Mr. DUNCAN) and his service on the Aviation Subcommittee. I appreciate working with him, and for him bringing this to the floor. I have no

further requests for time, I would just encourage the body to adopt this resolution, and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CARNAHAN) that the House suspend the rules and agree to the resolution, H. Res. 1669, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

#### CONGRATULATING CINCINNATI REDS FIRST BASEMAN JOEY VOTTO

(Mrs. SCHMIDT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHMIDT. Madam Speaker, today I rise, along with all of Cincinnati, to congratulate and celebrate the Cincinnati Reds' first baseman Joey Votto being crowned the 2010 National League Most Valuable Player.

Cincinnati has a rich and proud tradition of great baseball teams. It is the home of the first professional baseball club, which began in 1869. The Reds have won five World Series titles, four National League pennants, multiple Most Valuable Player trophies, and numerous Golden Glove awards. And a number of players have risen to the status to be celebrated in the National Baseball Hall of Fame. The Cincinnati Reds are indeed proud to have the Most Valuable Player, Joey Votto, playing for them.

A native of Toronto, Ontario, Canada, Mr. Votto was drafted by the Reds just out of high school, in the second round of the amateur draft in 2002. He worked his way through the Reds' minor league system and debuted in September of 2007. His defensive skills and offensive production consistently improved leading up to the 2010 season.

Joey Votto helped lead the Cincinnati Reds to their first National League Central Division Title since 1995 with an impressive .324 batting average, including 37 home runs, and 113 runs batted in. Mr. Votto led the National League in on-base percentage, as well as slugging percentage, and receiving 31 of 32 first-place votes by the Baseball Writers Association of America to reward his hard work with one of the most coveted awards in baseball, the Most Valuable Player Trophy. He was named to the National League All Star Team, and won the 2010 National League Hank Aaron Award.

Again I would like to join all of the Redlegs Nation in congratulating Mr. Votto on his achievement. I want to congratulate the owner of the Reds, Mr. Bob Castellini, and his ownership group for bringing a winning baseball team back to Cincinnati. Congratulations, Joey, and go Reds.

□ 1720

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. YARMUTH) is recognized for 5 minutes.

(Mr. YARMUTH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE of Texas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

(Mr. GARRETT of New Jersey addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Ms. JACKSON LEE) is recognized for 5 minutes.

(Ms. JACKSON LEE of Texas addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

(Mr. MORAN of Kansas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### PRIVILEGE AND HONOR OF A LIFETIME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. KLEIN) is recognized for 5 minutes.

Mr. KLEIN of Florida. Madam Speaker, I rise today to thank all of my colleagues here in the House and especially my constituents back home in south Florida.

The opportunity to serve in this body has been the privilege and honor of a lifetime. I truly have been honored and feel honored to have been entrusted with the responsibility of fighting for families, businesses, seniors, and veterans in our community every single day.

And fight we did. When I came in 4 years ago, we were challenged with a war; we were challenged with a lot of other things. And as those years have passed, there have been new challenges, economy and others.

Together we fought to take on skyrocketing homeowners' insurance costs in Florida and other places. We wrote a commonsense solution that makes insurance look and work like it was supposed to. It wasn't easy, but we brought together every single member of Florida's delegation, Republican and Democrat alike, as well as allies from around the country and passed the Homeowners' Defense Act in a very bipartisan way. I am very proud of that.

We also fought to deliver on a campaign promise in my first race to close the Medicare part D doughnut hole, something that is so significant to so many seniors in my community. Our seniors should never have to make the choice between food and medicine. And because we shall and will bring down the cost of prescription drugs, many in our community will no longer have to.

We stood up for our Nation's veterans, something that is a prized responsibility that every American shares in, because I believe it is our responsibility to fight for those who have fought for us. We passed the biggest increase in VA history to make sure that our servicemembers have access to everything that they need. And we turned local ideas from our Palm Beach and Broward County veterans advisory boards into the law of the land.

But we didn't stop there. We took on energy and the recognition that there is a national security threat of an energy policy that continues to support Middle East rogue countries, in particular Iran. I helped work with others in writing and passing the toughest sanctions in history, because we cannot allow Iran to acquire a nuclear weapon, not on our watch and certainly not on our dime.

We tackled health care and equal pay for women. We expended Pell Grants so that every child and every student has a right to go to college and help create a workforce that will compete worldwide. We passed an innovative and forward-looking energy plan to end our dependence on foreign oil. But most of all, many of us worked together to do what is best for our community.

Some might disagree with any one policy; but I think at the end, each of us in this Chamber knows that we have a responsibility to our country, we believe in our country, and we try to do the right things.

Madam Speaker, my colleagues and south Floridians who are watching today, I want to say thank you from the bottom of my heart for giving me this privilege. Choosing public service isn't always easy. There are bad headlines and tough attacks and long weeks away from your family, and our families truly make the greatest sacrifice. But it is worth every one of those sacrifices for the opportunity to make our country better for our children and our grandchildren than it was for us.

This is the American Dream, and that is what I fought for and many of us fight for every single day at home at here and in town here. When I first came to this historic U.S. Capitol building, a very wise colleague said to me—and it stuck with me to this very moment—look up at the Capitol dome at nighttime. Look at it when we are working late. You see the light at the top and a beautiful dome.

And I look up and I see that every time I am here in the evening, and I see that magnificent dome against the dark sky. And I think about the great figures that have passed through in time here. Most names we will never know, but every one of them was truly just passing through, whether here for 2 years, or 10 years or 20 years. Every one had the same goal to make this country a little better place.

My colleague said to me, if you look up at that dome at one point and you aren't inspired, then it's time to go home. Well, certainly I have been inspired every day I have been here and continue to be inspired, and he was right. The opportunity to serve our community in these hallowed Halls does inspire me, and I hope it continues to inspire every single other person and the next generation of leaders who come into this Chamber.

So I want to thank all of you. Thank you for allowing us to be here. Thank you for the privilege of serving, and I look forward to being part of our community and continue to work on behalf of it.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 5 minutes.

(Mr. LINCOLN DIAZ-BALART of Florida addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

#### DEDICATION OF LONG BEACH ROSIE THE RIVETER PARK AND INTERPRETIVE CENTER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. RICHARDSON) is recognized for 5 minutes.

Ms. RICHARDSON. Madam Speaker, I rise today to support the dedication of the Long Beach Rosie the Riveter Park and Interpretive Center. This launch is going to be next Saturday on December 11, and it's going to be a historic occasion, not just for Long Beach, not just for California, but for the Nation. Let me tell you why I would take 5 minutes out of our time to talk about this.

Back in World War II, from 1942 to 1945, we had 6 million brave women, women who stepped forward, who helped us as a Nation to be able to help us to really move forward, to keep the economy going and to really begin to enter into a workforce that they had never been a part of before.

In my own area, 175,000 women bravely worked and led the way. They were really trail blazers, and they worked at the Douglas Aircraft Plant where now we build the very famous C-17.

When you consider a lot of the Rosie Riveters, on average they are about 85 years old. So it's important for us now more than ever to really acknowledge them and to thank them for their service. When we talk about the work that they did and how they supported the United States, they deserve our honor and our respect.

This Long Beach site includes an interactive display of women, Air Force Service Pilots, who were known as WASPs at that time. These women transported the airplanes. They assembled them. They actually flew them to the places where they were needed the most. Because of their efforts, they were able to produce—imagine, women—300,000 airports, 102,000 armored vehicles, 77,000 ships, 20 million small arms, 40 million bullets, and 6 million tons of bombs.

They were as much a part of our success and freedom for people all over the world, the women, the Rosie the Riveters, as were all of the veterans who also served. We will have in this area, not only a park and interactive center, but also a history and the names and telling of the work that these fine women did. There will be a rose-colored walking path, circles around that park area, etched with the timeline of all of the work that these ladies incredibly performed.

Along the pathway, we will have stopping points where there will be

etched stars and colored tiles and replicas of some of the many famous posters that we see today.

The park will also have the “compass rose” that was known to be very famous back at that time at the Roosevelt naval base where they would fly from one section to another and that would be their focal point. Adjacent to the compass rose is a quiet garden, a memorial to the men and women who served in the military, noting the inscription: “All Gave Some, Some Gave All.”

When we think of Rosie the Riveter, it's also been an inspiration to many of us. I see our Speaker who is sitting here now tonight, and I think of some of the things we have had where we have really valued what those women did and how they have inspired us today.

At this particular location, we will have three flags that will be flown. One will be a U.S. flag that is actually being flown today. We will have a California flag and then a local flag as well.

I call on my colleagues to take an opportunity to study and reflect and think about all the important stories that made this country so great. And we certainly couldn't leave out the Rosie the Riveters in World War II who began for many of us and why we stand here today.

□ 1730

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes. (Ms. ROS-LEHTINEN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. GRAYSON) is recognized for 5 minutes.

(Mr. GRAYSON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

(Mr. FRANKS of Arizona addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### AMPHIBIANS: CANARIES IN THE COAL MINE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. QUIGLEY) is recognized for 5 minutes.

Mr. QUIGLEY. Madam Speaker, it wasn't many years ago that coal miners relied on a small bird, a canary, to signal that conditions were toxic. The canary in the coal mine would become sick before the miners, who would then have a chance to either escape or to put on protective respirators.

Today, our ecosystems face dire threats. Toxic gases, chemicals and the exploitation of our natural resources have jeopardized our air, water, lands and the wildlife that inhabit our ecosystems. The telltale sign? The frog, the “canary in the coal mine” of our natural environment, is sick.

Today, nearly 33 percent of amphibian species are threatened, and estimates of species extinctions over the past several decades number in the hundreds. Losses of these species result from the usual suspects, land-use change, overexploitation and disease.

Why all the emphasis on frogs? Aside from the fact that these animals regulate their local ecosystems and control populations of insects that spread disease, they are important to our human health as well. Findings point the way toward new drugs for fighting diseases such as cancer and HIV/AIDS. Scientists have reportedly found chemicals that are naturally produced in the skin of various frog species that can kill the HIV virus.

But these medicinal tools are disappearing at astronomical rates. That should tell us something. A frog's skin is relatively thin and permeable to water, so frogs are directly exposed to pollutants such as coal ash and environmental radiation. In addition, their eggs are laid in ponds and other bodies of water where they absorb chemicals.

The frog, the canary in the coal mine of our natural environment, is first in line in an environmental pollution war, a war the frog is quickly losing. If we don't heed this call, much like the miners who relied on their singing canary, we are destined for illness and, ultimately, shorter, unhealthier lives.

Sadly, this degradation of human health and quality of life is already happening across the country. Colstrip, Montana, is home to the second-largest coal plant west of the Mississippi. One boxcar-full of coal is burned every 5 minutes. The burning coal creates sodium, thallium, mercury, boron, aluminum and arsenic, which is pumped out of the factory and into the air.

The chemicals that aren't pumped into the air are caught in the factory scrubbers and then dumped with coal ash into giant settling ponds. These ponds are shallow artificial lakes of concentrated toxicity which leach this poison into wells and aquifers. The sludge flows into the surrounding towns and countryside, bubbling up against foundations and floorings, cracking the floor in Colstrip's local grocery store. Ranchers in eastern Montana are now suing the plant for damages. Noxious water, they cite, is the only liquid that fills their wells and stock ponds.

James Hansen, a renowned climate scientist, says Colstrip will cause the extinction of 400 species. But Colstrip burns on. Why? Because we have no national energy plan and because there are currently no federally enforceable regulations specific to coal ash. This lack of federally enforceable safeguards

is exactly what led to the disaster in Tennessee, where a dam holding more than 1 billion of gallons of toxic coal ash failed, destroying 300 acres, dozens of homes, killed fish and other wildlife and poisoned the Emory and Clinch Rivers.

From Tennessee to Colstrip and across the Nation, the story is the same. We have no national conservation plan, no national energy policy, no regulatory reinforcement powers. And the biggest environmental disaster the country has ever faced, the Horizon Deepwater oil spill, has not propelled us any further toward passing a cap-and-trade bill through both Chambers. Senator REID said they were sidestepping a cap-and-trade bill for oil response legislation, but we haven't seen that either.

Worse, as we mark 40 years of cleaner air under the Clean Air Act, it is heart-breaking that we must now fight to protect this monument law from attack. Some in Congress are considering weakening this landmark law, seeking to bail out polluters who continue to lobby for loopholes and giveaways that put Americans' health and safety at risk.

We are poisoning our ecosystems, our animals and, yes, our frogs. We are poisoning our families, our communities, our Nation and our entire world. If we do not heed this canary song, we will only have ourselves to blame. And by the time we take notice, it may be too late.

#### CHAIRMAN SKELTON BIDS FAREWELL

The SPEAKER pro tempore (Mr. CARNAHAN). Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. SKELTON) is recognized for 30 minutes as the designee of the majority leader.

Mr. SKELTON. Mr. Speaker, I rise this evening to express my gratitude for the honor of serving in the House of Representatives and to share a few thoughts as I prepare to leave this distinguished body. About this time 34 years ago, my wife, our three boys, and I were surrounded by scores of well-wishers organized by my friend, Bob Welling, as we boarded a train at Warrensburg, Missouri, to travel to Washington, D.C. Shortly thereafter, I was sworn into Congress. I arrived eager to tackle the problems of the day and represent the people of the Fourth Congressional District. It was a political highlight for me.

The Roman orator Cicero said that “gratitude is the greatest of all virtues,” and I'm grateful to so many people. First, I'm extremely grateful and appreciative to the residents of Missouri's Fourth Congressional District whose votes allowed me to serve as their Representative in this House for 34 years. Representing the fourth district has been a tremendous privilege.

I also want to thank my family whose support made it possible for me

to serve in Washington, Susie, my late wife, my three wonderful sons and my lovely, understanding and supportive wife, Patty.

I want to thank my friends and mentors in Congress. I can't name them all, but I want to particularly single out the great Missouri legislators, Congressman Dick Bolling, who helped me land a seat on the Armed Services Committee, Congressman Dick Gephardt and Congressman Bill Emerson who were my carpool partners and my great friends. I leave with enormous respect for all those Members who worked their hearts out to help people at home and to help steer our country's path while performing their constitutional duty.

A special thanks to our Speaker PELOSI for her kindness and thoughtfulness through the years.

My colleagues from Missouri have been fantastic.

Finally, I want to thank my dedicated staff, past and present. The talented people who have worked in my Missouri offices, my Washington, D.C. office, on my Small Business Subcommittee staff and on the staff of the House Armed Services Committee, are the unsung heroes who get the business of government done. I can't thank them enough for being part of my staff and serving the American people so very well.

I have led a charmed life in many ways; but as a youngster, I learned that a person's life can change forever in an instant. After contracting polio, I was fortunate to receive treatment at the Warm Springs Foundation in Georgia. Polio affects each person differently; but at Warm Springs, patients learned valuable lessons about life—never let illness define you, never be limited by the expectations of others, never give up, and never stop working. By applying the belief that nothing is impossible if you work hard, thousands of Warm Springs alumni, including myself, have led happy and productive lives.

And it is no coincidence that three patients between 1947 and 1950 at Warm Springs became Members of this body—Jim Schuer of New York, Bo Ginn of Georgia and myself.

Growing up I was inspired by my father's runs for statewide office and for Congress, and also by his service as Lafayette County prosecuting attorney. I had just completed my own term as Lafayette County prosecutor and was practicing law when President Harry Truman called to ask me to consider running for Congress in 1962. In 1976, I decided to run for Missouri's Fourth Congressional District seat. I have been on the ride of my life ever since.

□ 1740

It is a great honor to serve in the U.S. House. This House is filled with principled public servants who work hard to give voice to the needs of voters back home. Members of Congress bring the theory of representative de-

mocracy to life every time they participate in House business, and every time they listen to the hard-wrought concerns of their neighbors.

As a member of the House Armed Services Committee, I aspired to become chairman one day. Serving as chairman is undoubtedly the high point of my political career. The HASC family of Members and staff is very special. Members of Congress lucky enough to serve on this committee have traditionally worked in a far less partisan atmosphere than on other committees. Article 1, section 8 of the Constitution grants Congress the obligation to raise and support armies and to provide and maintain a Navy. All Members approach this important work very seriously, with the goals of protecting our Nation's security and also doing what is right for our men and women in uniform and their families.

American politics through the ages have frequently been rough and tumble, and at times some might even say mean. But to my mind, national security transcends politics. In the realm of national security, we must make the effort to work together in a bipartisan way, to stand before our allies and the world as a united front, to strengthen our Nation's defenses under the banner of consensus.

As chairman, I have always sought to maintain this bipartisan atmosphere, and I hope that culture instilled by many HASC chairs who served before will carry on under the able leadership of the new chair in the incoming Congress, Congressman BUCK McKEON. I am confident it will.

Throughout our country's history, the Nation has experienced many challenges. We have had economic crises, agricultural hardships, military engagements, and Members of this body responded to each one as it came along. I am proud to have been a Member of the House of Representatives, and I will always cherish my service here.

I leave with some anxiety for the future, however. In the past, this body has worked best after great debates, when men and women of strong principles have met and compromised on those difficult issues, which at the time could render us asunder. But through meeting in the center and solving the problems of the day, our country benefited. It was able to progress.

As a result of the last election, the center has been holed out, and more Members will represent extreme points of view, which is likely to make meaningful compromise difficult, if not impossible. Once again, our system of government and our citizenry will be tested, and the outcome will determine, borrowing the eloquent words of President Lincoln's Gettysburg Address, "whether that nation or any nation so conceived and so dedicated can long endure."

When returning Members and new Members arrive in the Capitol for the

new Congress in January, they will confront enormous challenges as they work to chart the course of our country in the days ahead. These challenges include the economy and jobs, health care, education, to name a few. But I implore our citizens and our leaders not to forget that we are a Nation at war. Unless our government protects our national security, none of these other important issues can receive the attention they deserve.

National security must be our number one priority. I believe all Americans' good intentions support the troops and their families. But those intentions must be reflected in action, and Congress bears the Constitutional responsibility to fulfill this sacred duty.

My greatest concern is that a chasm will develop between those who protect our freedoms and those who are being protected. I have often talked about what I perceive to be a civil-military gap, a lack of understanding between civilians and the military that has grown in the era of an all-volunteer force. For those not in uniform or connected to the military in some way, it is easy not to relate to our service-members' difficulties as they deal with the trials of war and combat, multiple deployments, family separations, missed birthdays, and other sacrifices too numerous to mention.

As a Nation, we must strive to narrow that gap and bring our citizens together. United we stand, divided we fall. The men and women in uniform who form the backbone of our security cannot devote their all to protect us if we fail to provide what they need to perform their missions, stay safe in the field, and take good care of themselves and their families at home. Keeping America safe demands a national commitment to maintain military readiness. During my time in Congress, the United States has been involved in 12 conflicts, some large and some small. If the future is anything like the past, conflicts, natural disasters, and other crises will frequently pop up without warning. Preparedness is essential.

Today's forces are the latest in a long line of sentinels of freedom. Our soldiers, sailors, airmen, and marines must have no doubt about the high value we place on their service. Our commitment to our servicemembers and their families will also help the next generation understand that these patriotic volunteers are critical to the survival of our Nation. To protect America's future, we must inspire the next generation to join the noble service of these ranks.

I have always considered each young man and woman in uniform as a son or daughter. They are national treasures and their sacrifices cannot be taken for granted. They are not chess pieces to be moved about on a board. Each and every one is irreplaceable. Issues of national security and war and peace are too important to lose sight of the real

men and women who answer our Nation's call and do the bidding of our Commander in Chief.

You can't do the job as a Member of Congress for so many years unless you love it, and I do. It is a labor of love. And to paraphrase my fellow Missourian, Harry Truman, I have done my damndest every single day. I will forever be grateful for the trust Missourians have placed in me through the years and for the opportunity to serve Missouri's Fourth Congressional District, the U.S. House of Representatives, and the United States of America.

As I leave this House, these lines from Alfred Lord Tennyson's poem "Ulysses" express my feelings very well:

Much I have seen and known; cities of men

And manners, climates, councils, governments . . .

And drunk delight of battle with my peers . . .

Some work of noble note, may yet be done . . .

Come, my friends,

Tis not too late to seek a newer world.

Mr. Speaker, thank you for this time.

#### HONORING CONGRESSMAN IKE SKELTON

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, I rise to sing the praises of a great man, Chairman IKE SKELTON. We all heard his beautiful address to us, and in it he started where his heart is, with his family, expressing his love for his family, his appreciation for his staff, his respect for his colleagues, his admiration for our great country.

I am so pleased that we have been joined by Senator CLAIRE MCCASKILL, coming over from the Senate side to make the respect for Mr. SKELTON bicameral, and that we are joined by Congresswoman JO ANN EMERSON, making that support bipartisan, as well as being joined by so many Members of the Missouri delegation, and that you, Mr. CARNAHAN, are in the chair for Mr. SKELTON's presentation. I know we will be hearing from our distinguished majority leader Mr. HOYER, but I think it is important to note that EMANUEL CLEAVER of Missouri is here, LACY CLAY of Missouri is here, and other Members, Chairman MILLER, chairs, colleagues, new Members, senior Members—that is how Mr. SKELTON is regarded and respected in the Congress of the United States.

□ 1750

He made his speech the way he served in Congress, surrounded by friends, admired by all, on both sides of the aisle, on both sides of the Capitol. He began by talking about his family, and he ended by talking about our men and women in uniform, which are like sons and daughters to him.

He has always taught us that, as President Kennedy said, We'll pay any price, bear any burden. Mr. SKELTON said to us over and over again, as he did this evening, that protecting the American people is our first responsibility. Our young men and women in uniform make us the home of the free and the land of the brave, and we can never forget that. They have no greater champion in the Congress than the chairman of the Armed Services Committee.

I know I speak for every person in this Chamber when I say, Mr. SKELTON, thank you for your leadership for our country. It is an honor to call you colleague. Thank you, Mr. SKELTON.

#### HONORING CONGRESSMAN IKE SKELTON

(Mrs. EMERSON asked and was given permission to address the House for 1 minute.)

Mrs. EMERSON. Mr. Speaker, I would be remiss if I didn't try to tell a little bit more of the story that our beloved friend and colleague IKE SKELTON started. It kind of started all back about in 1980 for my family with IKE when my late husband, Bill, and he drove in to work every single day, and the stories that I learned both from Bill and IKE, because I used to then take IKE in after Bill, and every Thursday now that we come in with prayer breakfast has been, for me, a remarkable experience because of what I have learned from our colleague IKE SKELTON, both from history and also an understanding of the great love that he has for our wonderful State of Missouri.

His commitment and his dedication have been extraordinary, and he has been, for me, not only a real hero but also someone whom I have tried very hard to learn from. You have set an example, IKE, that is impossible for anybody else to meet; but certainly you have been a role model for me and so many others before me, and I just want you to know how important you are not only to me, to how important you were to Bill, to Tori and Katharine and to Ron and Sam and the rest of the kids, IKE. But more importantly than that, you have been special for our country.

You are what every Member of Congress should want to be, and that is a man of great courage, a man of great fairness. You have shown me and others how important it is for us to be civil to one another, how we should talk to one another, and I hope that the example that you have set will continue on in this great body. You will be sorely missed, and we really love you.

#### HONORING CONGRESSMAN IKE SKELTON

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, IKE SKELTON is my brother. He and I are both

Sigma Chi's. There's a lot of misinformation and misapprehension about fraternities and sororities. Sigma Chi was founded by seven individuals, one of whom was a gentleman named Jordan, and the Jordan standard requires of those who pledge that fraternity to live by certain standards. Those standards are what we would expect of all of us and hope for all of us.

I have been a member of that fraternity for over half a century. No Sigma Chi that I have met has been more faithful to meeting the standards of conduct and character and courage and fidelity to purpose than my brother IKE SKELTON.

IKE SKELTON is the father of a Sigma Chi and the son of a Sigma Chi and the grandfather of a Sigma Chi. Is that correct, IKE? I think I have it in order. But IKE SKELTON has been a colleague in this Congress. IKE SKELTON, as Mrs. EMERSON said and as Speaker PELOSI said, and as others will say, is the quintessential example of what the American public would hope all of us would be. He's thoughtful, a great intellect, faithful, patriotic, and he teared, of course, as he mentioned the troops, the men and women who serve this country in uniform, the men and women who have had no greater advocate than IKE SKELTON of Missouri, the men and women of our Armed Forces who have had no greater advocate in terms of not only the quality of their lives, their housing, their health care, their benefits, but also the assurance that they had the best technology that was available to make them not only as effective but, as importantly, as secure and safe as they could possibly be.

IKE SKELTON is a good and decent man who has served his country extraordinarily well. He quoted the Tennyson poem, "Ulysses." What a wonderful poem. He didn't quote the end of it, which is essentially that Ulysses, then old, Telemachus, the king, left to his son the duties of being king and brought his band of brothers together to go forth to strive, to seek, to find, and not to yield.

There is no doubt in my mind, Mr. Speaker, that IKE SKELTON will continue to be an extraordinarily faithful citizen of this country, an unswerving supporter of those in uniform, of our Armed Forces, and of our national security, and one who will uphold the highest standards that this institution would hope all of its Members maintain, and he will continue to strive to seek to find and we know he will not yield. But in not yielding on principle, he will be faithfully courteous and respectful of others, as he has been every day on this floor, in his committee, and in the hallways of our offices.

His late wife was named Susan. My oldest daughter is named Susan. Susan Skelton, in the spring of 1981, came to Bowie, Maryland, and knocked on doors, and the doors opened and she said, I would like you to vote for STENY HOYER for Congress. I loved Susan. We lost Susan a few years ago. She was

like her husband—a beautiful, beautiful person.

It is a sad day that IKE SKELTON leaves this Chamber. It will not be today but in a few weeks, but it is a wonderful day for all of us to count ourselves blessed by being part of the life of this extraordinary, good, and decent man, IKE SKELTON of Missouri. IKE SKELTON, patriot. IKE SKELTON, a wonderful, great American.

Thank you, IKE SKELTON.

#### HONORING CONGRESSMAN IKE SKELTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. CLEAVER) is recognized for 5 minutes.

Mr. CLEAVER. Mr. Speaker, in 2003 I was teaching at the Bloch School of Business at the University of Missouri in Kansas City, serving as a talk radio show host on NPR and pastoring a congregation.

□ 1800

I received a phone call from Congressman IKE SKELTON, who began the request for me to give up my peaceful and loving life to run for Congress as my predecessor, Karen McCarthy, had decided not to seek reelection. I chose, in large part, to pursue this office at the request of Congressman IKE SKELTON.

Mr. Chairman, I have three sisters whom I love dearly. From the age of about 3 to about 7, I made requests repeatedly to my parents for a brother. I'm not even sure I knew how that brother could come into existence, but I made the request nonetheless. That never happened, but I can say here in this Chamber, Mr. Speaker, that, if I had had a brother, I would have liked for his name to have been Ike. If I had had a brother, I would have liked for him to have had the patience, the intellect, and the spirit of IKE SKELTON.

There is very little secret around our home as to who is the favorite Congressman for my 7-year-old grandson, Isaac Cleaver. One of the great delights of his life—and probably the older he gets the more significant it will be—is already having been introduced to Congressman IKE SKELTON at an event at Royals Stadium. In that introduction, he said that IKE SKELTON was named after him. So, in our household, from my wife, Dianne, all the way to Little Ike, we all have great admiration and love for IKE SKELTON and his family.

It will be difficult to roam these Halls and not see IKE SKELTON or to come into this hallowed room and not look at the seat where he usually sat and where the Missouri delegation would, from time to time, gather around him. I have said to him and to others in his presence that this man has the ability to walk with kings and Presidents and not to lose the common touch.

As chairman of the Armed Services Committee, IKE SKELTON was one of

the most influential human beings, not only in this country but in the world—the most revered Member of Congress by the military of the United States of America. Yet any Member of Congress, frankly, from either side of the aisle, could stop IKE SKELTON and hold a conversation. He never lost the common touch.

It will be difficult for me not to see him in this place. I speak of the man IKE SKELTON from Lexington, Missouri; and I speak of a man whose career in this body will be recorded by historians as a majestic moment for the military of the United States of America.

I yield back the balance of my time, Mr. Speaker, because I think IKE SKELTON deserves far more eloquence than I can present. Hopefully, a combination of everything we say will match, in some small way, the elegance with which he served this Congress.

#### HONORING CONGRESSMAN IKE SKELTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. LARSON) is recognized for 5 minutes.

Mr. LARSON of Connecticut. Mr. Speaker, I rise to honor a fellow colleague and a person I have grown to love—our distinguished colleague from the Show Me State.

I was blessed when coming into this Congress that the first committee I was appointed to serve on was the Armed Services Committee and to be there under the guidance and tutelage of IKE SKELTON. I was the last person appointed to the committee that year.

In fact, my mother would often say to me, How come I never see you on C-SPAN? That was because I was sitting behind the camera so they couldn't actually see me on C-SPAN.

But IKE SKELTON, as he does with everyone, treated the lowest member on the committee, who was me, with the same kind of dignity and respect and solid advice as he does with every Member of this Chamber.

IKE SKELTON, as has been said by so many speakers with great eloquence, cares so deeply for his home State, for his community, for his great family, and legacy. Imagine, in this Chamber, sitting and serving with a direct descendent of Daniel Boone and knowing how proud he was of that legacy and how proud, growing up in his great State, he was of his dad, whom I learned about in so many conversations with him, and about Harry Truman and the great history of Missouri.

When you would go there to Lexington, when you would travel and stay at his home—and as STENY mentioned—with his wonderful wife, Susie, who was such a kind, generous and kindred soul mate of IKE's, you would walk around that district and see the respect and the reverence that the people held for IKE SKELTON.

I think I was there to talk about ethanol, but I've got to be honest with

you. Joanne Morrison probably knows a lot about it, but I didn't know a great deal about ethanol. By golly, by the time I was through, you would have thought I was an expert at it.

To travel with this man abroad, you see the respect at our war colleges, amongst our military leaders, amongst heads of state, but most important to him are the men and women who wear the uniform of this country.

He carries his legacy, his great family name, his State, his community, and his country. He wears that well on his face. He shoulders it well, but he carries in his heart a love and devotion for the men and women who serve this great country of ours, and everything he has done on this great floor has been on their behalf.

All men and women who serve in our Armed Forces owe such a great debt of gratitude to this humble, passionate servant of our country and the proud standard-bearer of his great State of Missouri in the way that he has held forth on behalf of the citizens he has sworn to serve and the men and women who have represented this great country of ours and who have given the full measure of their devotion.

□ 1810

Like so many here, I love IKE SKELTON. He is a man of the House, a man for the ages because he led with that big heart of his and cared so deeply about people who serve this Nation.

God bless you, IKE SKELTON. We are all better for having served with you.

#### A TRIBUTE TO IKE SKELTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. CLAY) is recognized for 5 minutes.

Mr. CLAY. Mr. Speaker, let me first say that I, too, am here to thank IKE SKELTON for his friendship, for his service to this country, and especially for his friendship to me.

My relationship with IKE SKELTON goes back more than 30 years. I was a teenager when I first met him because he served with my father—both represented the State of Missouri—and I can remember the day he arrived here. I went on through college and happened to wind up serving in the State legislature for 17 years in his district, in Jefferson City, so our paths would cross on occasion.

But ladies and gentlemen, this country will never witness an individual like IKE SKELTON. There will never be another one like him to cast a shadow on this floor. You have served this country and your State well, and you have also given me a great appreciation for our armed services, the men and women who some make the ultimate sacrifice for this country.

As Rev. CLEAVER and others have said, I have also visited Lafayette and have been to IKE's home, but I have also been to the military bases with IKE, to Whiteman Air Force Base where



they house the B-1. And he has been my compass in this House on military issues.

He has also been, as Rev. CLEAVER said, a brother to me. I had two sisters, too, IKE. I never had a brother, but if I could ever identify somebody as a brother, it would be you. I know I will miss you. I will miss your guidance, I will miss your mentoring.

We have truly witnessed a legislative giant in our midst. You have done your job, you have done it quite well. I know this won't be the last time that we see each other and I know that you will frequently visit us, but for the Missouri delegation, you were there for all of us.

He was the senior member of the Missouri delegation and never hesitated to call us together. We have so much cohesion as a State because of his leadership. I appreciate that, IKE. I appreciate how you have taken me under your wing and given me guidance here, and I will love you for it for the rest of my life. As the saying goes, "Old soldiers never die, they just fade away." But you won't be fading too far.

I love you, IKE SKELTON. God bless you, and God bless the United States.

#### A TRIBUTE TO IKE SKELTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. REYES) is recognized for 5 minutes.

Mr. REYES. Mr. Speaker, it is a privilege and an honor to be here this evening to honor a great American. I have had the privilege of traveling throughout the world with IKE SKELTON. One of my first trips was with IKE SKELTON. We went to the Far East. We had Thanksgiving with our troops at the DMZ in South Korea. Subsequent to that, we also took a trip to Bosnia several times, spent one Easter with the troops. So many memories of trips to visit the troops and their families to look at the facilities, to make sure they had all the equipment they needed to have, all the support that we could possibly have been able to give them on the committee.

I have had the privilege and honor of visiting IKE's district in Missouri, and I invited Chairman SKELTON to come to El Paso. I grew up in a little town right outside of El Paso by the name of Canutillo. The main street of this little town was Doniphan Drive. Never did I dream that I had grown up in this environment with a direct connection to Missouri, because when IKE SKELTON came to my district, he immediately recognized the connection. He said, This street was named after Colonel Alexander Doniphan, who was a Missourian and came to Texas to save Texas. Immediately a connection there.

Chairman IKE SKELTON is, in my eyes, a professor of history, a professor of, particularly, military history. We all famously have a list of recommended readings from IKE SKELTON.

I have to confess I haven't read all those books yet, but I am working on it. It gives you a better understanding; but for me, it gives me a unique perspective on who the man, IKE SKELTON, is.

I couldn't agree more with my colleagues here this evening in paying tribute to a great American, a giant that has served this institution with dignity, with honor, with great passion, and with great love and care for our military men and women and for their families.

IKE, it has been a tremendous honor to serve with you. I have learned so much from you that I think, by any measure, if there is a new Member coming here, my recommendation would be to emulate the great Chairman IKE SKELTON.

Thank you. And thanks to the people of Missouri for sharing you for over three decades of great public service to this great country. For me, an honor; for this country, an American legend. Thank you, IKE.

God bless you, and God bless this country.

#### A TRIBUTE TO IKE SKELTON

The SPEAKER pro tempore (Mr. CLEAVER). Under a previous order of the House, the gentleman from Missouri (Mr. CARNAHAN) is recognized for 5 minutes.

Mr. CARNAHAN. Mr. Speaker, I want to just add my voice to these remarks this evening about our friend and colleague, IKE SKELTON of Missouri.

He first came to this Congress in 1976 with my predecessor, Congressman Dick Gephardt. That was the first year I voted, 1976. I was a senior in high school that year. And to watch him grow in leadership to become what I believe is really a national treasure—his voice advocating for American troops and their families, his leadership on national readiness for current conflicts and future conflicts that we may face—has really been unparalleled.

□ 1820

We respect his leadership and what he has done for the strength of this country. In Missouri, he has been a leader. He has been the dean of our delegation.

I had the honor to work with him. I also had the honor to travel with him to visit our troops in Kosovo and elsewhere. And we've seen what he's done to transform two vital military facilities in Missouri—Whiteman Air Force Base and Fort Leonard Wood—to become what they are today.

He's not only a student of history, but he has been a great teacher and a great mentor. He's been a family friend. It has been an honor and a privilege to serve with him, to call him "colleague," but also to see his example for public service. He has been a model for what public service is all about.

I know that he has several chapters left to write for what he does to give back to this country and our great State, and we look forward to seeing those for years and years to come.

Best wishes to you, my friend.

#### HONORING IKE SKELTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mrs. DAVIS) is recognized for 5 minutes.

Mrs. DAVIS of California. I rise today to say thank you, thank you to IKE for being such a great mentor, for taking me under your wing, for telling me a little bit about what it was like for you when you chaired the Personnel Committee a number of years ago. And I think you told me that early on, when I came onto the Armed Services Committee, but it was a few years later when I actually had the great honor of chairing that subcommittee. And then I felt such an incredible burden because I thought, you know, IKE has done this before, and how could I live up to who he had been and the way he had cared for the troops and their families and kind of got through some of the really tough times, because when you deal with those issues, you know that you're going to be looking, wanting to do everything in the world when you can't, when there are limits to what you can do.

And I just really remember you telling me about that and letting me know, get in there, but you better do a good job, he said. I want you to do a good job. I don't want you to screw it up. And so I certainly had that burden.

But more than anything else, IKE, you are such a splendid gentleman, and we use the word kind of loosely here. Sometimes I think we often say "to the gentleman from" whatever State that might be. You are the gentleman. You are the epitome of what we all believe to be someone who serves in this body and who cares so deeply and who has such strong principles and who teaches us all. And I think we all want to live up to that standard you set. It's not easy, and you made it really hard for everybody to do that, but I think we all strive for that the best we can.

I know that I didn't have an opportunity to be in your district, but you came to my district. And you and your late wife, Susie, were there, and we had just the most marvelous evening.

I remember I was then at an event that you spoke at, and I remember looking around the room and everybody was just, you know, transfixed, really, on your words. You were telling one of those stories and it went on forever, but that didn't seem to bother anybody. They were just delighted to be in your company and to hear you speak and to hear the way you interacted with all the people in the room, but telling those stories. President Truman, of course, came into that story and your father.



I have just enjoyed serving with you. I can't tell you how much I'm going to miss you. It's going to be a lot. I know you're going to miss everybody here as well. But we are all so much better for having served with you.

Thank you.

#### HONORING IKE SKELTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. TIM MURPHY) is recognized for 5 minutes.

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, what does an Irish Pennsylvania boy have to do with IKE SKELTON standing up here and talking? Actually, I have roots in Missouri. In Farmington, my ancestor, Sarah Barton Murphy, started the first Saturday school west of the Mississippi in Missouri. And that was a little story I told IKE. I don't know if he remembers it.

But it comes from times that IKE and I traveled together on congressional delegation trips. He had asked me to travel with him to Afghanistan and Iraq at Thanksgiving—we did that twice—giving up time with our families by traveling out there to be with the soldiers. Small codels as they were, but I think they meant a lot certainly to the soldiers that were sacrificing so much for our country. And I thought it pretty amazing that here was this gentleman, in the truest sense of the word, being willing to giving up his holidays with family to be over there, and I was certainly pleased and honored to go with him.

And we had some interesting times. A meeting with General Petraeus, a meeting with General McChrystal, seeing the ins and outs of what takes place in a war zone, talking to soldiers in the most candid ways about the stress that they face. And I know, for me, I learned a great deal from them, but I also learned a great deal from my friend, Congressman SKELTON, about the ins and outs of what takes place in the military through his chairmanship and ranking membership of what he's learned from the House Armed Services Committee.

But there's also things you learn about a person under times of stress.

IKE and I have the dubious distinction of being the only two Members of Congress ever injured in Iraq, and it happened on a dark night. We were traveling, after having met, I believe, with General Casey, on a road back to the Baghdad Airport when this up-armored minibus we were traveling in—referred to affectionately as an ice cream truck—suddenly hit something. We heard a boom. We're up in the air, bounced, rolled over the side, and both of us slid inside the interior. I was injured a bit. That doesn't matter. IKE had his own symptoms. And a lot of chaos occurred at that moment. And we learned what happens on a military site when there's an injury that occurs, that soldiers are swarming around securing the perimeter, ambulances ar-

iving trying to take care of both IKE and me at that moment. An incredible dedication and skill of these soldiers. We had intended to visit a hospital but not in a horizontal position.

What occurred afterwards, taking us in an ambulance, and we're both in some pain—nothing compared to what our soldiers face. But an interesting little thing happened with one of the staffers at that point. Erin reached in and patted my toe and said, "I'll pray for you." And the ambulance door closed. And IKE, always a man of good humor, said, What am I? Chopped liver? What's wrong here? No one's going to pray for me? He had issues, too.

We went to a hospital then in Baghdad. Some difficult moments. Hearing the cries of a young boy whose room was near ours who, we understand, his parents had just been killed, and he was hurt, too.

And then traveling over to Balad where our soldiers who were wounded pretty severely were all being prepped to take to Landstuhl Hospital in Germany, and to see what takes place as people with some pretty severe injuries were prepared, sometimes on basically a traveling intensive care unit with doctors and nurses around them.

And IKE and I are both on our helicopter trip over there. And having those moments when you're lying on this litter on this same helicopter that carries so many of our wounded soldiers, it gives you something to think about. And of course traveling over to Landstuhl on this big C-17 for several hours' flight.

But now and then I would hear this voice coming from either above me or below me, wherever we happened to be on that particular flight, there's the voice of IKE saying, Well, what do you think about this? Well, we're learning something here. Always just that little bit of humor and putting that little bit of perspective on an otherwise pretty stressful situation—not only of what was happening to us but being around all of these wounded and all of these doctors and nurses doing so much.

I'm sure IKE has lots of variations on the stories he tells, but what is important to hear is, after we came back, he had of course made sure that that one staffer who tapped my toe and said "I'll pray for you" understood that he wanted prayers, too. And it was some time after that, I believe, IKE, that what you received was a note that a mass was being said for you by the Pope. So you certainly outranked me on what was happening there.

□ 1830

But it's his humor, it's his knowledge, it's his incredible class. A lot of times Americans may hear criticisms of Members of Congress. And you may hear the bipartisan attacks on each other, which is hardly bipartisan. That makes the evening news. When people call each other names, when they insult each other, when they play political games, that's going to make the

front page. What you don't hear about is the genuine friendships and respect we have for each other.

And let me tell you, IKE, I can't think of anybody in this House that I have more friendship and respect for than what you have taught me. The people of Missouri ought to be real proud that you served them for so long. I know they are. And I am mighty proud to have had the honor to serve with you, and a man that I can always call my friend. God bless you and thank you.

#### HONORING CONGRESSMAN IKE SKELTON

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New Hampshire (Ms. SHEA-PORTER) is recognized for 5 minutes.

Ms. SHEA-PORTER. There is a button from an old Presidential campaign that says, "I Like IKE." In this case, I love IKE. We will have to have a new button to talk about IKE SKELTON. I arrived in the House 4 years ago on the Armed Services Committee, met IKE SKELTON, and recognized immediately that he wasn't just a friend of the generals and a friend of the powerful; he was a friend to everybody. And I had the great pleasure of traveling with him. And I saw the way he treated the very, very young soldiers.

And having been married to a young soldier at one time in my life, I recognized how overwhelming it was when anybody above the rank of sergeant spoke to young men and women. And here was the chairman of the Armed Services Committee of the United States of America bending over to get some words of advice from the young men and women of this country who serve us. And that has stuck with me, IKE.

It's true that you are an incredible scholar, a historian. If IKE says it's so, it is so. And he often told us what was so. And he gave us lists to read and things that we should do and things that we should know. And he was always right about that. And when I traveled with him abroad, the respect that we all received because we were with IKE SKELTON was absolutely impressive and overwhelming.

And so to say good-bye is extremely painful, but I think what we really need to do is celebrate the great gift that you gave this country, the gift that your family gave this country, the gift of you, your time, your knowledge, your experience, your wisdom. And the way the rest of the world views you is the way we view you, with tremendous respect, and admiration, and love. Thank you very much for your service.

#### HONORING CONGRESSMAN IKE SKELTON

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LORETTA SANCHEZ) is recognized for 5 minutes.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I thank my fellow colleague, Mr. GARAMENDI, for being so generous with this hour. To our chairman, IKE SKELTON, thank you. Thank you very much.

What I have learned, sitting for 14 years, my full time here in the Congress on this committee, has been invaluable. And you were actually the first to ask me to go on a congressional delegation, the first to take me before some of the world leaders, the first to tell me about what it was to be in the military. And all the information you gave me, "Learn the ranks, LORETTA. Learn what a star means. Learn what two stars mean." Just all the very beginning information 14 years ago when I got to the committee, I cannot say enough, IKE. I really can't.

Aside from being somebody who has loved the troops, and you have, and I have seen that just as my colleague, Mrs. DAVIS, and I sitting on the Personnel Subcommittee have seen that from you, aside from really being the champion for the troops, and that's how I will always remember you, you are really a Congressperson's Congressperson. You are somebody that we model ourselves after.

And, IKE, from the bottom of my heart, we will miss you. Thank you. Thank you for all the memories, for all the learning, and in particular for taking some of the women on the committee under your arm and showing us what it is to serve proudly on the House Armed Services Committee. Thank you, Mr. Chairman.

#### HONORING CONGRESSMAN IKE SKELTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. TAYLOR) is recognized for 5 minutes.

Mr. TAYLOR. Number one, I want to thank Mr. AKIN for allowing us to go into your time a little bit. As a fellow Missourian, it's obviously time well spent.

Mr. Speaker, I have a Vietnamese American friend who has a limited use of the English language. He is also very devout. I once saw him at his boatyard hit his thumb with a 5-pound maul. And having a limited use of the English language and also being very devout, he did not use the kinds of words I would use in that situation. He just shouted over and over as he was shaking his thumb, "No joy." This is a "no joy" moment.

For those of us who have had the privilege of working with IKE, we want to say thank you. If you are the mother or father of a troop, a marine, a coastie, a sailor, you should know about IKE SKELTON. You should know his name. In our line of work, if you do something stupid, you are a headline. If you do the right thing, people don't know your name.

But if your child has been saved because of a mine-resistant vehicle, you

should know IKE SKELTON's name. If you are a military retiree who is enjoying the benefits of TRICARE for life, you should know IKE SKELTON's name. If you are a guardsman or Reservist who is now eligible for TRICARE, you should know IKE SKELTON's name.

What he won't ever tell you, out of concern for his kids, and I won't tell you the branch, but he has two sons who are officers in the United States military. But what every mom and dad should know is that there was one more parent out there looking out for their kids, and that was IKE SKELTON.

So, IKE, for all of those things and for your great humility, I got to tell the story. IKE visited a Coast Guard buoy tender on the Missouri River. And given his nature, obviously he paid his respects to the captain, engineering officer. But then he sought out the lowest-ranked person on that boat, a seaman apprentice. Went back to him and said, Hi, how are you doing? I am IKE SKELTON. I am a Congressman from Missouri. How do you like the Coast Guard? I do. He said, Have you ever had a Congressman on your buoy tender before? And the kid said, No, and I hope to hell we never do again. They have been working my butt off for the past 2 weeks scraping and painting, getting this boat ready for you, sir.

Now, only IKE SKELTON would tell that story about himself. So now the rest of America knows. And I hope that seaman apprentice is listening tonight, and I hope he made chief one day.

But, IKE, you have been an incredible role model. Someone who put together a \$600 billion bill that involved the lives of airmen, marines, sailors, and to some extent coasties, certainly the troops in the field, and it passed out of your committee unanimously. That is an incredible feat. And all of us are grateful for your service. God bless you.

#### HONORING CONGRESSMAN IKE SKELTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GARAMENDI) is recognized for 5 minutes.

Mr. GARAMENDI. It was 13 months ago that I was given the great privilege of becoming a Member of the Congress. And it was 7 months ago that I was given another privilege of becoming a member of the Armed Services Committee. For the last hour and 10 minutes, we have heard from Chairman SKELTON and from his colleagues that have expressed their appreciation based upon their knowledge and their experiences of working with an extraordinary man.

I feel cheated that I don't have all of those years that my other colleagues have had to learn and to share time with Chairman SKELTON. My 7 months have been just too short; but in those 7 months, I have found the opportunity for friendship, brotherhood, and the op-

portunity to work and to be mentored by an incredible individual.

□ 1840

What you have seen here tonight is the outpouring of emotion and respect for a gentleman that has served this Nation and the armed services for 34 years in the capacity of a Member of Congress. That's an incredible record. Seven months of that I have had a personal experience of, and I value those moments intensely.

I have had my hours on the floor talking about policy. I have not had such an important hour as this hour listening to the Members of this Congress speak of one of their colleagues. It has been a very good hour.

Chairman SKELTON, you are loved, beloved, for a very good reason. You are a unique individual.

#### HONORING IKE SKELTON

(Mr. AKIN asked and was given permission to address the House for 1 minute.)

Mr. AKIN. Mr. Speaker, I also wanted to add my note to the already numerous congratulations and praises for Chairman SKELTON. I have served my 10 years in Congress on the Armed Services Committee. I told him the night before last at a reception that I thought that IKE was like my big brother down here.

You know, sometimes as we go on CODELS in the field, and we can talk to different level officers, sometimes it's a sergeant, sometimes it's a general, sometimes it's in between, how we get different answers, and sometimes a well-placed question to the right person is very helpful. I am a Republican, and sometimes a well-placed question to a Democrat is a very smart thing to do.

I will ask IKE, I say, I think I have got a bright idea, IKE, but what do you think of it? And he will tell me sometimes, TODD, that's the dumbest thing I ever heard. And sometimes he says that would be a good thing if you can get that done. Because IKE is like a big brother. He is a big brother to everybody down here.

IKE runs a committee the way I understand it used to be done, where the objective is to deal with the security of our country, and that is the business of the committee.

So I thank you very much for your great work down here. We are going to miss you a lot, Mr. Chairman, Mr. Marine, and my big brother.

God bless you and Godspeed.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 4853, MIDDLE CLASS TAX RELIEF ACT OF 2010, AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. POLIS, from the Committee on Rules, submitted a privileged report

(Rept. No. 111-671) on the resolution (H. Res. 1745) providing for consideration of the Senate amendment to the bill (H.R. 4853) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes, and providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

#### HONORING IKE SKELTON

(Mr. POLIS asked and was given permission to address the House for 1 minute.)

Mr. POLIS. Madam Speaker, I rise today to honor my departing colleague, Representative IKE SKELTON. I did not get to work closely with Representative SKELTON, but I want to say it's the small things that make a difference. There was one day my sister, who had been working for the Pentagon at the time, was part of the Quadrennial Defense Review team, the QDR team. When they had that hearing, the chairman invited me right up to the podium with the committee members to be there during that presentation, and that was a great honor.

I would like to say that despite his political views in other areas, I never sensed that he treated me any differently because of my sexual orientation, and I think he fully respected me as a Member of this body.

It was really those small things and the courtesies that he showed me that made him stand out in my mind as an inspirational leader of this body who will be sorely missed. It will only be a short period of time, no doubt, until his name appears on a battleship or aircraft carrier, and I look forward to visiting that one day.

#### CONDITION OF OUR ECONOMY AND WORLD ECONOMY

The SPEAKER pro tempore (Ms. TITUS). Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Madam Speaker, I appreciate the opportunity to join you and my colleagues tonight in a discussion that has been very much in the attention of people now for a number of years and something that because it is so important it has maintained the attention politically for many, many months, and that is the condition of our economy, indeed, the condition of the world economy as well.

This might seem like kind of an esoteric topic, but it affects Americans all across this great land, and the main effect is that people don't have jobs. When you don't have jobs, things don't go so well.

The American Nation was founded by many, many courageous people over a

period of hundreds of years, and they came to this land with dreams in their hearts, an idea to try something out, idea to test their abilities, to make something that had not been made before, do something that had not been done before.

And so they came. Initially I talked a couple of weeks ago about that brave band of mothers and fathers and kids that we call the Pilgrims. They came to this land with a dream of starting a new Nation.

In the first few months half of them almost died, just slightly under half. And yet when the Mayflower left Plymouth Harbor, those people that had that dream in their heart stayed because they believed that this could be a special and a unique Nation. And they saw themselves, as Governor Bradford wrote, as stepping stones to others who were coming to found a new nation.

Starting with that little group and with others even before them at Jamestown, you have people like Thomas Edison. He had the idea that he would make a light bulb. So he made a 100 different lightbulbs, all of them failures, and his attitude was, well now I know 100 ways not to make a light bulb.

So it was that America, with all of these courageous people that had that perseverance and that grit, one person at a time started building this Nation, one dream at a time. It became such a common thing, we gave it a name: We called it the American dream. The dream was to be able to come here with barely the shirt on your back and end up in much better condition than when you started. And so the condition we find ourselves in with unemployment high, and the economic conditions difficult, is something that we should view is not very consistent with our past or what we expect from this country or the standards that we would hold up.

The condition of the economy is one of those things that if you look at it from a mathematical point of view, there are basic principles in economics that govern how things work. If you violate those principles, there are bad results. But if you keep to the principles, you do pretty well.

Unfortunately, over the last number of years, and with both Republican and Democrat sometimes at the helm, we have violated some basic principles, and now we are starting to see the fruit of that in a high level of unemployment.

Now, I have here a little cartoon. This is the President, and he is wanting to know, how come you are not hiring people? You have coming into the china shop, triple bulls here, the health care reform and the cap-and-trade or cap-and-tax bill, and the war tax. And this poor guy that has got the china shop is looking a little bit worried. This is a nice cartoon.

But the point of the matter is that there are things that we can do which are going to make it very hard to create jobs. Now if you were to try to cat-

egorize those things, and I have had a chance to go to my district in the St. Louis and St. Charles area in Missouri and talk to many small businessmen, medium-size businessmen, but people from across the Nation too up here in Washington D.C., and if you ask them this question, people who are in the business world, what are the ways that you can make sure you are going to kill jobs?

Maybe this is a reverse way of looking at it. I apologize for that, but there is a reason for why I am approaching it this way.

□ 1850

One of the things to do if you want to make sure that there's not going to be jobs for people, well, I think about the first thing usually, and I don't know that these are necessarily exactly in the right order, but certainly this first one is the one that comes to the mind of most people if you ask them, "What are you going to do if you want to kill jobs?" and the first thing they think of is excessive taxation.

Now, that might seem kind of theoretical, but it really shouldn't be any surprise to us. If you picture yourself with a lemonade stand or making some other kind of product and you figure out how much it costs you to buy your raw materials—you have, maybe it's a lemonade machine, so you have to put the lemons in it. You have sugar that you have to buy. You have to have some good water. You have to have an ice maker. So you put that all together and figure out what it's going to cost you to make some lemonade, and you look at the cost of the ingredients. People come and buy. It's a hot day, and so they are buying the lemonade you're making. There's a difference between what it costs you and what you can sell it for, and you make a profit. And that is basically the lemonade stand idea. It's not complicated.

But if the government comes along and taxes every glass of lemonade that goes out, it makes it a little harder to try and make a living. What happens if the government raises the tax too much on your lemonade? Well, nobody will buy it, and now you're out of business.

So this isn't a very complicated idea, that if you do too much taxation on a business, either the business sort of hibernates and tries to weather the storm, or they actually just plain go out of business and you kill the potential for creating any new jobs as well as getting rid of old ones. So excessive taxation is usually at the top of a lot of businesspeople's things if you want to kill jobs.

Another one, and this sounds like a big thing, insufficient liquidity. What that is saying is that businessmen need to borrow money at various times, and they have to get the loans from banks. And if the bank policy is such that the businessman has trouble getting a loan, then it makes it harder for him or her to expand the business.

In the current conditions, what we're dealing with, you find that a lot of the Federal regulators are all over the banks and telling the banks to be very, very careful about any loans they make, and they have to have a tremendous amount of security to make sure that they can even have that loan on their books. And so depending particularly on Federal regulations toward banks, the liquidity is a big deal in our time right now. That liquidity is very tight.

The subject of our talk tonight is taxation. What should we do about the largest tax increase in history that's coming down the pike the beginning of next year? That's the question. But I want to put it in the context of jobs, because tax increases may sound theoretical. But having a place to work, being able to pay your mortgage and being able to put food on the table for your kids are very real things for Americans. The stress of being a good citizen, wanting to take care of your family and not being able to do that just puts a horrible stress on families and on Americans all over. And it's not the right thing, and it's because we in Congress have not done the right things.

So these are some job killers: excessive taxation, liquidity, and the economic uncertainty. That might not seem to people, right off the bat, is that really such a big deal? Well, it really is. If you own a business, every day, every week, every year you're in business, there are two degrees of gamble. You are gambling that you can keep your cost of making a product lower than what you can sell it for. But what happens if you're not quite sure what's going on with the economy? You're not quite sure about what's going on with the economy. You're not sure whether anybody wants to buy your product at all next month, and you have a whole lot of costs coming along. How do you figure that out?

Well, each businessman has to live in that area of taking risks. But you're not going to take many risks if it seems like every time you turn around there's something you weren't expecting that's coming and whacking you upside the head, something that's affecting your business and making it harder for you to operate. And so if there's uncertainty, that's one of the things that's going to guarantee that a business owner is going to hunker down and wait for better times. So economic uncertainty is a very big factor in employment or unemployment.

The other one here is, I guess, pretty self-evident, and that is government red tape and government mandates. Obviously, you have a lemonade stand and you've got your equipment and understand what the taxes are going to be, but all of a sudden somebody comes up and says, Are those glasses you're using clean enough? Have they been government certified? And you say, Well, we put them in a dishwasher.

That's not good enough. You have to turn in this, this, and this report. And,

by the way, have you done this? Have you done that?

And all of these things may not affect your product at all, but it sure affects the cost of doing business, because you have to hire an accountant to keep up with all the red tape that the government lays on you. And so red tape, regulations and mandates is particularly difficult for small businesses because they don't have lots of employees, so they can just designate one person to cover it. It takes a whole lot of the owner of the business' time.

So all of these things are job killers. And, unfortunately—I have left one off the list—unfortunately, in every one of these areas, the last number of years we have been doing exactly these things. We've been killing jobs. We've been doing all of these things in spades. The last one is excessive government spending.

You put that package of five together, and I don't care what the chairman of the Fed does or what people want to say about the razzmatazz of Wall Street. The facts of the matter are, you do these five things and you do them aggressively and you will see jobs being scarce and actually going away.

Currently, supposedly, the unemployment rate is 10 percent. Is it really 10 percent? No. It's worse than that because, if you haven't had a job for a certain number of months, they just take you off the list. They say, Oh, you don't count anymore. But there are a lot of people who haven't had a job in a long time. They're not considered unemployed, and so they are not considered part of that 10 percent unemployment number. So the real number is even higher than what the government publishes.

All of those things, though, are largely the result of policies made by Congress, made by our President, that are job killers. And we have to turn this around if we really want to see the economy turn back and return to some version of normal and for the American Dream to work.

Now, obviously, in the political world there are different theories about what you should do in government and what would work, and during the days of FDR there was a theory that became quite popular. It was proposed by Little Lord Keynes, but also another person who was very much involved in that was Henry Morgenthau. And the theory was that if the economy were not doing well, if the government would just spend a whole lot of money, the money that the government spends would buy stuff, get people buying things and get the economy going, and therefore, by the government spending money, you could solve the problem of a recession. It was sort of the siren call to people in politics because it sounded like a good deal. You just take and spend a whole lot of money, which makes you popular because you get to spend money on all kinds of pet projects, and presto zingo, the economy

is going to turn around and you're going to do better. That was the theory.

The problem is that the theory never worked. It never did work, and it's never going to work in the future because it defies the basic laws of economics.

Now, in my State, we talk a little about common sense. And the people in Missouri I don't think would buy this theory that the way to get out of economic trouble is to spend a whole lot of money. In fact, I think they would look at it a little bit like you grab your bootstraps and lift up and try and fly around the room. If you were the head of a family and you came home to your family and said one night, "Hey, we have all kinds of credit card bills. We've overspent the budget and things are not looking good. I don't have a job anymore. What are we going to do for the family budget?" and somebody proposes, "Well, hey, let's go spend a whole lot of money," people would think you were nuts. They'd probably put you in a funny little white jacket there if you did that.

Well, this is what Henry Morgenthau, who was FDR's Treasury Secretary, did. And so they tried this little scheme. And then at the end of about 8 or 9 years, before the Ways and Means Committee, this was as late as 1939, Henry Morgenthau said, We have tried spending money. We're spending more than we've ever spent before, and it does not work.

Now, we just passed that supposed stimulus bill, and we were told it was going to work. We knew it wasn't going to work because we knew Henry Morgenthau knew it wouldn't work. It's never worked in the past. But we had to try it again. And we tried that last year. And guess what? It just does not work. And then he says, They say after 8 years of the administration, we have just as much unemployment as when we started and an enormous debt to boot.

What they had also done, which he does not mention, they had taxed businesses to the point that the businesses closed. And it takes time to open a new business, start a new business and get it going. So we were able to turn a recession into the Great Depression.

We should learn from the people that went before us. And particularly, I believe the Democrats should pay attention to this Democrat Secretary of the Treasury that worked for FDR, because he told us in 1939 it would not work.

□ 1900

And what are we doing, we are spending money at the Federal level at a rate unlike anything we have seen before. The budget this year is about the same in terms of deficit as last year. People said of President Bush that he spent too much money. Well, perhaps he did. When he was President and Speaker PELOSI was Speaker, he had his worst year of spending, about \$450 billion of deficit. That is not good. But

the deficit in 2009 was \$1.3 trillion, and it looks like it is very close to \$1.3 trillion for 2010. That is three times worse than the Bush years. We should be learning, it just does not work. We can't continue to spend money and think that we are going to deal with the problems of unemployment. In fact, we are making it worse.

Now, one of the things that the Bush administration did that was smart and that was right, they learned from previous Presidents. They learned that when you are in a recession that what you need to do is get off of taxation. You want to reduce taxation. They learned that not only from Ronald Reagan; they learned it from JFK. JFK, of course, was a Democrat. I wish the Democrats learned from JFK. He understood, cut taxes when you have a recession going on.

We had a recession when I first came to Congress in 2001. It started in 2000; 2001-2002, the economy was not good. President Bush understood that you needed to cut taxes. He told people that, and we were able to cut taxes. And so in 2003 particularly we cut three taxes that were very, very important. We are going to take a look at the result of that in just a minute. He understood that.

When we cut the taxes, what happened was the economy sprung around, and we had a number of good years in the economy until we turned back around and started getting into more taxes again. The taxes that we cut, those tax cuts are going to expire next year. A lot of people are talking about what are we going to do with this huge tax increase that is coming on top of us at the beginning of next year. Are we going to make the Bush tax cuts permanent? Are we going to extend the Bush tax cuts, or are we going to talk about it and do nothing? What is going to happen here?

Well, ordinary income, these are the top rate increases, moves from 35 percent to almost 40 percent. Capital gains goes from 15 to 20. Qualified dividends, 15 to almost 40 percent. And particularly the death tax, probably one of the most insidious, one of the most unfair and one of the most ridiculous of our taxes goes from zero percent to 55 percent. That is a killer of a lot of small businesses that have not protected themselves against these tax increases that are coming up. There are some other different ancillary tax increases that will be coming. The bottom line is the biggest tax increase in the history of the country. And when is it coming, when the economy is weak, when unemployment is high. This is a formula for disaster. We are going to talk about why that is so bad and why we must do something, and the thing we have to do is to make those Bush tax cuts permanent unless we want an even worse level of unemployment.

I am joined by my good friend, Congressman SCALISE, and I would yield.

Mr. SCALISE. I thank my friend from Missouri for hosting this hour and

for focusing on this important issue. At a time when we are just weeks away from facing what would be the largest tax increase in the history of our country, we have been pushing to make the current tax rates permanent, to prevent, to stave off what would be that large, massive, job killing tax increase that is pending on January 1 if no action is taken. Unfortunately, the liberal leadership that is running this Congress right now will not address this issue in a proper way that ends that uncertainty.

You know, when you look out there throughout the country, when we talk to small businesses in our districts and all throughout the country, so many companies would like to hire, would like to make investment, even in these tough economic times; but because of the uncertainty created by the threat of these massive tax increases, it is holding back the economy. It is holding back the ability for these companies to make that investment and to create those good jobs. It is so unfortunate because we are at a point where there should be, and there is, I think, bipartisan agreement that, especially now in tough economic times, you shouldn't raise taxes on anybody, especially those small business owners who create the bulk of our jobs in this country, and yet that is exactly what they are facing and it is exactly what we are hearing from the people who say that they can't make decisions, they can't make those investments because they are looking out and they are seeing if Congress takes no action, or tries to play class warfare, which would be even worse, to try and pick winners and losers and say some people are going to see a tax increase and some aren't, what a bad message that sends to those people who are trying to get the economy back on track.

What is so sad about all of this is that history tells us, history tells us, whether you go back to John F. Kennedy, Ronald Reagan, you can go to President Bush, when taxes were cut, especially when you did aggressive tax cuts, not only did you see job growth, but you also saw a tremendous amount of money, billions of dollars more coming into the Federal Government, which goes against this myth that is out there, the President and others say, we can't afford to cut taxes.

Well, I think we can't afford not to keep the current tax rates. We surely can't afford to have a tax increase; but history tells us, any administration you look at, you can go to 1920, you can go to the sixties, the eighties, and 2003, when taxes are cut, job creation follows and more money follows and flows into the Federal Government. The reason we get deficits is because Congresses, both Republican and Democrat, have spent too much money. The deficits come because we spend too much money.

So the formula that has always been proven to be successful and the formula we should be following right now is cut

taxes, make sure nobody's taxes go up and control spending at the same time. That way you not only stop getting more deficit spending, but you can actually get on a path to balancing the Federal Government budget, which is what we really need to do.

Mr. AKIN. I am delighted you made those points. And I have some charts here that have been kicking around my office for 4 or 5 years on the very points you are making because you are so absolutely correct. It seems to me that somehow President Obama and the other leadership here in Congress have forgotten some amazingly simple things, but we make life too complicated sometimes.

One thing is the American Dream was not to make rich people poor. The American Dream was about making people who didn't have much money to be richer. Sometimes richer economically, sometimes because they come here without a high school education and watch their kids pick up a college diploma. There are a lot of ways that American Dream works, but it was never to tear people down. It was always to build people up. That seems like kind of a basic idea, but it seems like the focus is we are so worried about somebody being rich that we are willing to melt the economy down just to try to get them. And the funny thing is that people who are very rich have ways of hiding their money, and all you do is hurt a lot of innocent people.

The other thing that seems so simple to me is if you are really honestly worried about unemployment and jobs, it seems like the obvious thing is jobs come from employers. And if you destroy employers, how are you going to have jobs? That is not a complicated formula. In Missouri we would say that is kind of a no-brainer; and yet somehow here in Washington, D.C. we make it too complicated. We have a tremendous level of Federal spending, bury people in red tape, mess with their liquidity, create uncertainty in the markets, spend money like mad, and tax all of these businesses, create uncertainty, and then wonder why there aren't any jobs. It doesn't seem like it is that complicated an issue.

Getting back to what you said, my good friend, right here, and this is May 2003, there were a series of tax cuts that happened right here in May 2003. The tax cuts was capital gains, dividends, and the death tax. Those are not really popular taxes. When the Republicans passed them, we were criticized, you are trying to do special deals for rich people and blah, blah, blah. The question is when we cut these taxes, the liberals were saying you've spend all of this money because if you cut the taxes, you won't get this revenue that comes in.

□ 1910

And that was their reasoning because their mindset is the government owns everything and we're going to let the people who work keep a little bit of it.

Well, we did this tax cut, even though it wasn't popular, in May of 2003, and this talks about job creation. I started on the subject of jobs. This is the job creation before and after taxes, and anything that's going down means we lost jobs. Any line that goes up says we gained jobs. Well, here's the tax cut here, and look at this. Look at this graph of the job creation. Now, that says that something is going on at this point. Now, why would that be the tax cut made jobs? Well, simply because you let the businessman keep more of what he owns. So, in terms of job creation, these taxes had a very beneficial effect.

What happens if we reverse this? What happens if we go from here? Now, right here, we have a lot of unemployment. What happens in a time of unemployment if we reverse this effect? What we're going to do is it's going to be the same process but backwards. We're going to take jobs that existed and destroy them. Are we in a position with 10 percent or more unemployment to turn around and destroy more jobs? That seems like a definition of an insanity.

And these are month by month, year by year. This is what happens after this tax cut and this is the job effect, and I will allow you to comment on it if you want. I've also got two other kinds of interesting charts here, not just jobs but gross domestic product, and your last point, which was government revenues, quite interestingly. I yield.

Mr. SCALISE. I thank the gentleman again for yielding.

The chart that you just showed really lays out in a very good graphical form what really does happen when you cut taxes, and unfortunately you don't hear this on the mainstream media. It's something that a lot of the pundits try to ignore. It's unfortunately something that the President I think has tried to cloud over and, in fact, speaks in contradiction to what really did happen when taxes were cut. You know, and the President is going around saying that he can't afford to keep the tax rates where they are and he needs to raise taxes on certain people, otherwise the government will lose money.

The problem with that is, it flies in the face of history. It flies in the face of facts; and in fact, your chart shows just what really did happen when taxes were cut for 48 consecutive months after those 2003 tax cuts. For 48 consecutive months our country had job growth. Every single month for 48 months, more American people were working than the month before, and during that same period of time of unprecedented job growth, 8 million new jobs were created, and your chart shows it very clearly. Not only were those 8 million jobs created, but the Federal Government took in over \$750 billion more money.

Of course when I say that, somebody listening might say, well, hold on a second, the President just said, if you

cut taxes, it costs money. If you maintain these current rates, rather than raising taxes, you have got to raise the taxes because it's going to cost the Federal Government money. The opposite happened, anytime in history, not just in 2003.

As I said in the 1980s when taxes were cut under President Reagan, tremendous job growth and tremendous growth in revenue to the Federal Government. Now, yes, we had deficits, because even though the Federal Government was taking in more money, they still spent even more money than all of that coming in, which gave you a deficit. But if they'd controlled spending, if they would have just frozen levels and had normal cost of living increases, just normal growth, you would have actually had surpluses because more money was coming into the Federal Government, and the same thing happened in the 1960s when President Kennedy cut taxes.

So this isn't a partisan issue, but this is history. Let's follow history. Instead of people making things up and saying things that are just flat out untrue, if we go back and use history as our guide, when we cut taxes in this country, job creators go out and create jobs, and the facts prove it.

I used the President's own Web site when I pulled the numbers to find out what really happened in terms of job growth which we confirmed on the President's own Web site and in terms of more money coming into the Federal Government. So when they say that they can't afford to keep the current tax rates the way they are, they think they need to raise taxes in order to bring in more money, just the opposite is true.

Mr. AKIN. They're exactly wrong. They've got it upside down, just as they have it upside down the American Dream is to make people that are poorer richer, not richer people make them poorer. They've got it exactly reversed.

If you want jobs, you don't have an employer. It's kind of a basic thing. I very much appreciate your perspective; and what you're saying is, absolutely, you can prove it by taking a look at the economics.

But when I first heard that, I was kind of scratching my head. I'm not a wizard at economics but I'm an engineer, and I was trying to say, now, wait a minute, you're telling me that if the Federal Government reduces taxes, they're going to take in more money? That sounds like making water run uphill, you know. And so I started to think about it, and actually it makes a whole lot of sense.

But here's the way it seems to work to me. Let's say that Congressman SCALISE is king for the year, and your job is to raise revenue for your government and the only thing you can do is tax bread. And so you start rolling this around in your mind, and you say I could put a penny tax on a loaf of bread, or I could put \$10 on a loaf of bread. You think, a penny, nobody'd

notice it, but I'd have to sell a lot of bread in order to make very much money; but if I did \$10 a loaf, wow, wouldn't take too many loaves. I'd get a lot of money. Well, on the other hand, nobody would buy the bread. So your common sense says probably somewhere between \$10 tax on a loaf of bread and a penny tax, there's some number that's an optimum; and if you raised it, you get less government revenue, and if you lowered it, you get less government revenue.

And what this effect is showing is that we're overtaxing; and by overtaxing, we're actually losing Federal revenue. So what you're saying is exactly right. It's been proven by history. We cannot afford to not cut the taxes. Certainly we cannot afford to allow a massive tax increase when the economy is on its knees and unemployment is running at 10 percent.

Let's take a look at what the numbers were. I think people might be curious about this. Here we've got job creation. Here's the tax. This is capital gains, dividends, death tax. That's what the tax cuts were. This is what happened to job creation. Let's take a look at another number here.

Let's look at the gross domestic product of our country. This is kind of a neck snapper of a chart, it seems like to me. If you can get into these funny economic charts, this, though, is a reflection of what our future could or could not be. This was the gross domestic product here before the tax cut. Here, again, is the tax cut right here, and take a look at the national GDP, even have a couple of times when we're actually losing GDP in a couple of months when the recession is bad, 2001. You see it coming up a little bit up here to sort of a sluggish two, but you see it's spotty; it's up and down.

And then we put these tax cuts in place. Not only did employment change but take a look at gross domestic product. Kabaam. You know, we're talking, we had one quarter where we had 7.5 percent GDP growth. That's a pretty decent level, but you can see quite an improvement after this tax cut went into place.

Now, as you would expect if you got GDP going along the right direction, employment going the right direction, here's the other thing, and this was your point. My respected colleague, take a look at Federal revenues. If the example of the loaf of bread and the tax line up seems a little bit odd, here's the evidence. Here's the tax cut. This is Federal revenues. Federal revenues are tanking because the economy is in trouble.

We do the tax cuts in 2003, just as we did with JFK, with Ronald Reagan. All of a sudden, you see Federal revenues coming up. Now, this is totally opposite to everything the President and the liberals are saying. They cannot explain this. This completely puts the lie to what they're saying.

If you do not cut the taxes, what's going to happen is we're going to continue in this death spiral that we've



created, and we've created it out of stupidity because the facts are here. After that tax cut, four straight years of increases in Federal revenue, and so there you have the effect.

We are overtaxing. We have stalled the economy. It's a little bit like you're in that little World War I, World War II biplane, whatever it is, and you're in that spiral headed to the ground and you grab the stick and you pull the stick up and you pull the stick up and the plane just keeps spiraling and the ground gets bigger and bigger as you're losing altitude; and you pull the stick up and you say, oh, my goodness, everybody has gotten in a graveyard spiral and almost died and then one guy came along and said I'm going to do something that's a little counter-intuitive.

□ 1920

What I'm going to do is I'm going to push the stick forward. It's going to allow the plane to stabilize even though it's going down, and when it gets stable, then I'll pull the stick back up.

In a way, that's what we did. We have got the economy in a spiral where we are taxing people and where we are red-taping them to death. Liquidity is a problem; there is uncertainty, and we are spending money like a bunch of fools. What we are going to have to do is use some sense from the past, from the people who came before us.

I would be happy to yield to my good friend from Louisiana.

Mr. SCALISE. You know, when you look at these charts, all it really is, you know, is a reflection of what really happened historically. They say, If you don't learn from the mistakes of history, you are doomed to repeat them. You can flip that around and say, Go look at what has always been proven to work. There are things that have been good and bad throughout history. You can go into the 2000's and look at 2003 when taxes were cut. There were some good things and some bad things that came out of that.

The good thing was, when the taxes were cut in 2003, you had, as your chart shows very clearly, a tremendous increase in Federal revenue, and you had a tremendous increase in job creation. Eight million jobs were created. The bad thing that happened was that you had deficits, but it wasn't because of the tax cuts. It was because more money came into the Federal Government, but Congress spent even more than that. When Congress spends more money than that which comes in, you end up with a deficit.

You can control that not by raising taxes, because if you raise taxes—again, use history as a guide. When taxes are increased, one of two things happens. In some cases, you'll get a flat line—you'll get a flat revenue intake—but in many cases, you'll actually get a decrease. Even though you're raising taxes—and it might seem intuitive to some liberals—what happens is

it's the cost of doing business. If a company is looking to hire people and now it costs more money in America to create that job or to manufacture that product, then it explains why so many of our manufacturing jobs have been leaving this country and going to other countries.

The tax increase that President Obama is creating might be good for economies, but it's good for foreign economies because it's pushing more and more investment out of this country. So the jobs that will be created will be created in countries like India and China and other places where they don't punish somebody for manufacturing. In our country, unfortunately, there is this mentality, and there are some in this leadership who continue to try to play this class warfare game and pit one American against another.

What we ought to be doing here in Congress and at the White House is working together to put policies in place that will help everybody, that will not just help the job creators but will help the people who are struggling at the bottom, the people who want to find jobs. There are millions of Americans out there who want to find jobs.

You know, in my State of Louisiana, we are seeing the negative repercussions of these policies coming from President Obama: how it's costing us jobs with this permitorium, as we call it now, on drilling, and how the President bragged about lifting the moratorium on drilling but now has replaced it with a policy where they're just not issuing permits.

Then today, just today, the President and Secretary of the Interior came out and said they were going to shut off more areas around the country that were getting ready to be opened for the exploration of energy. They're shutting those off. So now they're not issuing permits in the Gulf of Mexico, which, according to the White House, has already led to about 12,000 more Americans losing their jobs. This is not because of a downturn in the economy. Because of the policies of President Obama, 12,000 more people have lost their jobs, and billions of dollars have left the Federal Government and are going to foreign countries. Our energy security in our country has decreased, and we are now more dependent on foreign oil because of the policies of this President.

So, on one hand, he is trying to raise taxes on our small businesses, which, as your chart shows, is going to devastate the economy and is not going to bring in more money to the Federal Government. On the other hand, he has got policies, like the permitorium and the lack of open areas for the exploration of drilling for natural resources, which are taking away what would have been thousands of more new jobs, and now he is shipping those jobs to other countries, like Brazil and Egypt, which is where some of these rigs are going.

You know, it's sad to think, but it's true. It's a sad day in America when

it's a better business climate to do business in Egypt, which is where some of these rigs are going, than in the United States of America because of the President's own policies. This is reality. This is what is really happening, and that's why we have got the job creation problems. That's why we have got the lack of jobs we have today. It is because of the policies of this administration.

Mr. AKIN. You know, you're giving a very concrete example, and maybe I was being too general.

My point was, if you punish the business, you shouldn't be surprised if there are no jobs there. The business is the one that hires people. It's not that complicated. There is a direct connection between employer and employee. What you have just given an example of is: When you shut the company down, then you can't say, "Well, I'm so surprised that there is unemployment." You created the unemployment by the policy. It's crazy. It's really crazy.

I understand that the President did support some drilling, but it was off of a foreign coast, and it was with American tax dollars. We are encouraging them to drill, but we can't drill on any of the American sites. That just doesn't make any sense. I think that's what the voters were concerned with in this last election. I think they are concerned with that. They see that there are ways that we should be going as a country, things that we can learn from history, and if there is one thing we should be dealing with immediately, right now, it's making those Bush tax cuts permanent because the economics of that thing works both ways.

If you cut the taxes, you saw what happened to the gross domestic product. It goes up. Unemployment goes down. If we create jobs, we create more revenue for the government. If you do the opposite, then the result is going to be the opposite. You're going to have more unemployment. You're going to have less revenue, and you're putting us farther into this downward spiral. Our country can't take a whole lot more hits like that, especially with the incredibly aggressive spending schedule.

I don't recall specifically, gentleman, whether you were there with Dr. Laffer today as he was visiting us.

Mr. SCALISE. Yes, I was.

Mr. AKIN. He has some very simple and easy-to-understand ways even though he's one of these Ph.D.-type economists and all.

In fact, what we're talking about here was named after him, the "Laffer curve," showing that when you cut taxes—and he has proven that—that you're going to actually get more Federal revenue—if you do the right kind of taxes, that is. What he was saying today sort of captured my attention.

He said, Look at it from a simple point of view. If you're a business, are you going to hire somebody?

Well, what you're going to say if you're a businessman is, "It's going to



cost me this much money to hire this guy, and if I do hire him, he is going to make this much."

So you take a look at that. If he is going to make more for you than what it costs you to employ him, then you're going to hire him because that's the way businesses work. You hire people in order to make a profit, to make your business grow.

Now, what happens in this equation if the Federal Government says to the businessman, "Okay. Now, before you hire that guy, just remember this, that we're going to tax you. We're going to put these additional costs into what you're going to have to pay if you hire this guy?"

Well, you don't have to be a rocket scientist to say, Oh, my goodness. If the government starts adding things that the businessman has to pay, it's going to make it harder and harder for him to find the economic ease to hire somebody.

That's another way of saying what we have done by these policies is we have essentially driven that unemployment number. We have actually created that by the foolish policies down here, by forgetting the simple fact that, if you destroy an employer, then you're not going to have employees.

The simple fact is that America wasn't based on class warfare, on uncovetousness, saying, "Don't you hate that rich guy? Look at how much fun he's having. Are you having as much fun as that rich guy?" That wasn't what made America great. What made America great is we're all on the same team, that everybody wants to see everybody else prosper, everybody working together, being honest with each other, each following the dream that God put in their own hearts. That's the America that our Founders built. That's the America that most Americans want to see us returning to. They want to see a win-win scenario, and they want to see us do the policies that are right here. We know we don't create any jobs here in Washington, D.C. Any time we create a government job, it takes two jobs out of the economy. We don't create jobs, but we do affect the playing field that jobs are on.

Why do we want to send our jobs to foreign countries? I can't see why we should be doing that.

Mr. SCALISE. You know, the gentleman referred to the meeting that we were both at today with Art Laffer, the brilliant economist who worked for President Reagan in the White House, who helped create a lot of those tax policies that gave us that unbridled economic growth. He goes into detail and talks about the decisions that went into that and what works and what doesn't work.

□ 1930

And there are things that don't work, but there are things that have been proven again historically throughout time.

Going back to the 1920s, you can go before that, things that you can do that have always worked in terms of cutting tax rates. And there are levels where you get above certain levels, and in the 20s is where you are starting to get into dangerous territory. Right now the President is trying to bring the highest rate up to 39.6 percent taxes, plus he's going to try to continue to allow this death tax to go to 55 percent. It's at zero today. If someone were to die today and have a family business that they built up over their lifetime, they could pass that onto their family, and there is a zero percent tax on their passing away, a tragic event that shouldn't be made even more tragic by government coming in and confiscating 55 percent of their business to the point where the children's decision, more of their grief is dealing not with the loss of their loved one but now the fact that they have to dismantle the company that their father built for his entire lifetime just to pay the taxes to the Federal Government. And that will happen. Starting January 1, that death tax goes up to 55 percent. It's one of the most onerous, obnoxious, and evil taxes, because you're talking about people who have already paid taxes to create that wealth.

I think one of the other things Art Laffer talked about today is if that person, instead of building up that company, creating that wealth and creating all those jobs that went along with it, if he would have just gone out and blown the money, he wouldn't have been taxed on that. There's no tax on just going out and spending the money and blowing it. But if he built his business and created hundreds of jobs and then wanted to pass that on to his children, the government is going to come in—starting January 1 if Congress doesn't take action—and tax that business 55 percent just by the virtue that that business owner passed away, to the point where now the family has to sell and dismantle the entire business and maybe have to lay off all those employees just to pay the taxes. That's not what America is all about, that's not what made America great, and yet that is tax policy that President Obama wants to put in place starting January 1.

Mr. AKIN. You know, the thing that was amazing, the way he explained it was really a contrast. You have a person, and say he's a couple of years away from dying and he has this business and this business is worth millions of dollars. Now there are two courses he can take. The first is he goes and drinks like mad, does drugs, chases women, gambles it all away, and in every way wastes the money. Does he pay any tax on it? He has already paid the taxes. No. So the government lets him off scot-free for that. So we encourage that behavior. But what happens if he says, hey, I have a son, I would like to pass the business on to my son. And he has some employees

and they want to buy part of the business, so I'm going to not squander my money, but I'm going to save it. So he waits 5 years, saves his money, dies, and now what do we do? We tax the family 55 percent.

Now how many people have a business—picture if it's a farm or a manufacturing business—where you've got to take more than half of it, liquidate it to sell it in order to pay the tax on it. It's going to destroy the business. And so we have a policy that rewards people for being totally irresponsible and punishes people for doing the right thing. As Dr. Laffer said, that's just so contrary to common sense.

And what are we going to do? We're going to let that death tax go from zero to 55 percent. That is just nuts. And what it's going to do of course is, guess what? It's going to destroy jobs, it's going to reduce Federal revenues, and it's going to hurt the GDP. And yet here we go because we figure we've taxed them every which way, but we haven't gotten them one last clip when they die. And why we would even have a death tax, it just seems so abhorrent that we would possibly let that go on.

Mr. SCALISE. It is such a sad state of affairs that in the greatest country in the history of the world—and you and I both know we've got really serious challenges, we've got real big problems in this country that we're facing, but with all of those problems this is still the greatest country in the history of the world. But what that light of freedom, the Statue of Freedom at the roof of this building right here, the Capitol dome, what that statue stands for, and when you pass through Ellis Island and you see the Statue of Liberty, it represents a freedom that exists nowhere else in the world. All of that is at risk if these kinds of policies continue. I know that's a dramatic statement, but I think most people across the country have recognized that when you take into account the radical level of spending, the unsustainable level of spending going on here in Washington—trillion-dollar-plus deficits as far as the eye can see, the first trillion-dollar deficit in the history of our country was last year, only surpassed now by this year's, and next year looks to be just the same—everybody knows we can't sustain this level of spending. And then you look, and the President and Speaker PELOSI's plan for taxes is to raise taxes on American families and small businesses. And the American people get it. They know what that means to job creation. They know it's going to stifle job creation. It's going to make it harder for businesses to compete globally. And for many of them, it's going to make it harder for them to even keep their doors open. And yet those are policies that are continuing to be put in place by this administration.

But people know, I think—what's more than all of that, to a small business, if they don't make as much money as they did last year—you want

everybody to be able to be profitable so that they can continue to create jobs. But I think to most people what is the most concerning is not maybe this year they're making less than last year, that's bad, but what I think is concerning most people is that the one great tradition of this country, from the day George Washington took that oath of office until this day today, every generation has had better opportunity than the one that came before them. Every single generation in the history of our country has had better opportunity than the one that came before them. And I think we all know if we stay on this unsustainable path of spending and taxing, with unemployment like it is, the next generation is not going to have that same opportunity, and we cannot let that happen. I don't think the American people are going to let that happen. And I think that's why in November, in that historic election that was just held a few weeks ago, people said they're not sitting on the sidelines anymore because they know what's at stake. They know we can't keep going down this road. And if we want to keep the light lit on that Statue of Freedom, if we want to make sure that the promise that's envisioned and represented in the Statue of Liberty, if we want to keep that torch lit for the next generation, we have to make serious changes right now starting today.

Mr. AKIN. I think you're absolutely right. I think that's what the American public is seeing and sensing. I might put it in slightly different words, and maybe just because I'm a little older than you are, but my sense is we had a tradition that the government was to be the servant of the people. It seems to many of us as though that has started to tilt, and the government is now a fearful master. I think the public is saying we have had way too much government, we're taking a look. The problem isn't the outside, the problem is the government, and the government has to be reduced back to its servant status, back to the basic principles of economics, back to honoring the traditions of our Founders and the dream of allowing people to use their imagination and their ingenuity, and to succeed or to fail. If we didn't let Thomas Edison fail hundreds and hundreds of times, we wouldn't have any lightbulbs. You have to allow freedom to work. I think that's where we have to go as a country; we have to go back to the traditional paths that have always worked for us.

We are a very unique Nation in so many different ways. People around the world, when there's an earthquake or when there's a problem, the Americans are there. After World War II, we defeated our enemies and we taxed ourselves to rebuild our enemies. We established no empires. We built no kingdoms. We are absolutely unique in the history of mankind, and it's because we have high standards, high traditions, and we believe in freedom and the

American way. This is the way to turn things around.

My good friend, Congressman SCALISE, I thank you so much for joining us tonight. I know our time is starting to get a little bit short here.

I would once again encourage Americans—we know the solution to move forward, but we are not going to be moving forward if we allow the largest tax increase in the history of our country to settle in on January 1. It will have the same negative effect as its positive effect when it first went into place. We do not want that. We have to keep those tax cuts in place, and we have to make that decision and move forward for the good of all of America.

Mr. Speaker, thank you so much.

□ 1940

#### MODERN DAY SLAVERY REPARATIONS

The SPEAKER pro tempore (Ms. TITUS). Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Madam Speaker, it's my privilege to be recognized here on the floor of the House of Representatives in this great deliberative body that we are. And it is a blessing and a gift to the American people that we can have our debates and our discourse that rages back and forth here on the floor of the House. And sometimes we're not so polite to each other. I regret that. But the passions arise here rather than have them arise in the streets of America.

So in a way, we take a lid off the pressure cooker here in the House. And we vent these issues, and we find a way to at least sort out the policy that can be accepted or accommodated by the other side. And often we're able to come to a good product that's good and right for the American people.

Madam Speaker, I come to you tonight with a number of things on my mind and the primary issue that concerns me is what took place here in the House yesterday with the debate on the rule and on the bill and subsequently the vote spent another \$4.6 billion, unbudgeted, unauthorized, unacceptable—and not just 41 cents out of every dollar borrowed, a lot of it from the Chinese and the Saudis—but all of this money, all of this unbudgeted funding is a hundred percent borrowed money because it goes above that level. It was unnecessary money to be spent. So every bit of it was borrowed money.

And by a vote of 256–152, this lame duck Congress, this invalidated Congress, this reputed Congress, this rejected Congress, has gone down the path over and over again of spending money that we don't have for causes that don't have the support of the American people spent by a Congress that's no longer the valid representatives of the people. That's why it's called a lame duck. We should have

shot this lame duck a long time ago. It still limps along and it still flares up, and it still steps in and goes against the will of the American people.

Now, I would submit, Madam Speaker, if this Congress had reflected the will of the American people, the gavels would not be changing hands come January 4 of 2011. They'd stay essentially in the same hands with a smaller switch in seats.

But we can see this happen over the last 4 years as the San Francisco agenda began to manifest itself here on the floor of the House of Representatives. And it didn't really get enough traction that the American people really understood what was going on until such time as President Obama was elected and his agenda matched up so closely with that of the Speaker's agenda here—that San Francisco agenda—that the American people could see clearly. By the way, coupled with that of the gentleman from Nevada from down through across the rotunda on the Senate side, the three of them, HARRY REID, NANCY PELOSI and President Obama. I said this more than 2 years ago, 2½ years ago. If you elect this ruling troika, they will be able to go into a phone booth and do what they will to America, and they won't be accountable to anybody. And I should have said, Until the subsequent election.

Well, the American people did elect Barack Obama, and they sent NANCY PELOSI back here in a position to become the Speaker, which she was, and HARRY REID maintained his position as the majority leader in the United States Senate. And they did to the best of their extent what they could to America.

There's a whole list of things that aggrive me and very much that must be undone. Some things that passed the House that didn't make it through the Senate were painful votes for some of the Members that will be going home. And I regret some of the friends that I have made on the other side of the aisle that I'm saying goodbye to this week and the next week and the next week. There are some good Americans that have served this country well that were voted out of office because of the anchor that was attached to them by the San Francisco agenda.

But there's this agenda, this agenda that I've called modern-day slavery reparations. And some think that might be a rhetorical stretch. But, Madam Speaker, I'll point out not only did JOHN CONYERS, as the chairman of the Judiciary Committee, hold impeachment hearings for President Bush and Vice President Cheney—he said they weren't impeachment hearings but they were, in fact, impeachment hearings, the basis of it I still don't know but I sat in on them—not only did he hold those, he held hearings on a whole number of things including hearings on slavery reparations.

And I made the argument that you cannot fix something that happened a

century and a half ago. You can't go back and put the blood back in people's veins when they've paid in blood to put an end to slavery. And you can't hold the generations, six and seven generations hence, responsible for the sins of the great great great great great grandfathers.

And the chairman, Mr. CONYERS, a respectable individual whom I count as a friend and have always had a good personal relationship with, told me, That's why we're having these hearings to find out. You think we can't fix these problems by providing reparations, and we're holding hearings and we're going to see if we can figure it out.

Well, that's the mindset. I mean, if we're actually having a discussion about whether you can compensate people for labor that they did while they were slaves in the first half of the 19th century and earlier to those descendants, how do you sort out who's descended from slaves and who's not? They don't know how to answer that question. They just think somehow there should be a redistribution of wealth.

Well, this redistribution of wealth is something that also comes out of the mouth of our President. It was very clear when he made the statement to Joe the Plumber when he said, Share the wealth. And it's been very clear as he's played the class envy card time after time after time and divided Americans against each other for a whole series of reasons—and a lot of it that has to do with how much money each of us make, forgetting that it is the American Dream to become a millionaire, to pile another million on top of that, the second million is easier since the first. How long has it been since we've heard that? It might be harder than the first because this President wants to punish that first million and the second million and the third million. Hopefully, that gets resolved this week. We've reached a bit of an impasse on it. But the redistribution of wealth goes on.

The hard-core leftist agenda is still driven. The leaders and many of the Members of this lame duck 111th Congress, if they got the message, their message back to us is a spiteful message against the American people, which is, So you didn't like debt and deficit and you'd like to have jobs and a better growing economy. Well, on our way out the door—you've thrown a lot of us out of office—on our way out the door, we're going to give you a little more of what you didn't like. They're saying to the American people, Oh, you didn't like what we gave you in the 111th Congress or the 110th Congress, you didn't like what we gave you under President Obama. Well, if you didn't like it, here's some more. That's what's going on in this lame duck Congress.

If the American people don't like what's been served to them by NANCY PELOSI and President Obama and HARRY REID, they're saying, Madam

Speaker, to the American people, here's some more.

Well, here's some more that came at us yesterday: the Pigford Farms issue tied together with the Cobell issue that has to do with how resources were managed for certain Native American tribes. And I'm not an expert on the Cobell issue. I have been drawn into the Pigford issue.

But, Madam Speaker, Pigford Farms is this: it is the largest class action suit in the history of the United States. And the single largest recipient of that, her name is Shirley Sherrod. You remember Shirley Sherrod. She's the lady that announced on July 22 of 2009 that she would be the largest recipient in the largest civil rights case in history, which turns out now to be \$2.3 billion to compensate for discrimination—an amount that—I agree there was discrimination and I agree we should compensate people who were discriminated against. It's a very difficult task to quantify, however.

But Shirley Sherrod received the news of the award of \$13 million to her and whoever the people she might decide to distribute it to. We don't have access to those records. These cases are apparently sealed.

On 22 July, 2009, Tom Vilsack, Secretary of Agriculture, hired her 25 July 2009. Because she's the largest civil rights recipient in the largest case in the history of America, and the case is Pigford versus Vilsack—the Secretary of Agriculture.

Timothy Pigford filed the suit and the class action lawsuit and so his name, the first plaintiff's name, is listed as the name of the suit versus the Secretary of Agriculture, which was Glickman, and it became then the successor Secretaries until it became Tom Vilsack. But it was Tom Vilsack that was named then in the suit as successor, Pigford v. Vilsack, and the largest recipient was Shirley Sherrod. And what does he do 3 days after the \$13 million was announced that she would receive? Hires her.

I can't fathom hiring somebody who had sued me, who had pushed for a settlement that turns out to be \$13 million. The next piece is, what do they need the job for, and why would I reward them with a job? What else was going on in the mind of the Secretary and Shirley Sherrod that he would put her on the payroll and make her the director of USDA rural development in the State of Georgia?

□ 1950

This all came to light because there was a YouTube clip of Shirley Sherrod's speech before the NAACP that in its edited version appeared to make some racist statements. And I saw the speech in the totality enough that I accept the overall message on what she learned from that. And so I am not taking issue with the totality of her speech. But she was fired apparently for the clip that was out. And the clip I think is a clip that was available

to the Web site that posted it, what was available at the time.

But in any case, \$13 million recipient in the largest civil rights case in the history hired by the people she sued 3 days after the settlement announcement came down. And that's just a piece of Pigford Farms. Pigford Farms has been dragging on for years. And what happened was Dan Glickman, then Secretary of Agriculture under Bill Clinton as President, stepped up and announced that they had discovered that there was discrimination taking place by U.S. Department of Agriculture employees against black farmers primarily in the South, because that's where they lived. And when that happened, it opened up the class action. The lawyers went to work and they produced what's now Pigford I, the first settlement consent decree.

It was approved by Judge Paul Friedman. I brought his opinion, Madam Speaker, with me to the floor tonight. And if those might think when I say this is a modern day version of slavery reparations, I would point out that in the case the first words in the opinion of Judge Paul Friedman are this: "Forty acres and a mule." Forty acres and a mule.

Madam Speaker, he goes on to lament that he can't fix all of the wrongs that come out of slavery and the segregation in one civil rights suit. One can read between the lines that he is sorry that he can't fix it all. One can read between the lines that he may well be glad to hear a Pigford II proposal come before him so that he could ratify it once Congress has appropriated an additional \$1.15 billion.

Here is what Judge Friedman wrote about the Pigford settlements, these \$50,000 settlements that were paid out to black farmers for—they had to meet four criteria: had to be African American. They had to have farmed or wanted to farm. They had to have believed they were discriminated against. And they had to attest that they filed a complaint, that could have been verbal, to a USDA employee, a Member of Congress, a couple other categories. That's four criteria. Actually, the fifth one was then that someone, not a close family member, had to sign an affidavit that attested that they had not only believed they were discriminated against, but they had complained about it, not necessarily in writing, but it could have been verbally to any USDA employee under any circumstances. It didn't have to be a public meeting with witnesses.

It could have simply been walking down the street and you meet someone who might be the director of your county FSA, and you say, I don't think your people treated me right. I should have had a loan. That would be all it would take. If you didn't get the loan, you wouldn't even have had to apply. You just maybe had to think you weren't going to be treated right and failed to apply for the loan. That's enough. You don't have to prove discrimination. You just have to allege it

and get a friend to sign the affidavit. That's all that's required under Pigford I.

And then according to Judge Paul Friedman, he writes this: "The consent decree accomplishes its purpose primarily through a two-track dispute resolution mechanism that provides those class members with little or no documentary evidence with," and I am quoting from this opinion, Madam Speaker, "a virtually automatic cash payment of \$50,000 and forgiveness of debt owed to the USDA." And anybody who believes that that's not enough, they can actually sue on their own and prove it by the preponderance of the evidence.

But there is no proof required to receive the \$50,000 virtually automatic cash payment except to get a friend to sign the affidavit that says that you complained about it and you believed you were discriminated against. And then all it had to be was to allege that you were turned down for a loan or a farm program of some type or another.

Madam Speaker, \$1.05 billion was distributed under no basis beyond that, no requirement or proof for discrimination. And a very, very low level of even asking them if they actually ever complained or filed a complaint. And no verification required that they ever farmed or ever applied for a USDA loan or program. You didn't have to farm. You just had to say I am black, I wanted to farm, and I believe they discriminated against me, and I complained about it, and I have got a friend that will sign the document. That's it, Madam Speaker.

And \$1.05 billion was distributed on that basis. And virtually automatic payments, much of it debt forgiveness included. And if anyone actually was a farmer and actually did have debt with the USDA, all of their debt was forgiven also. And Judge Paul Friedman said a virtually automatic payment if you didn't want to go through track two and get a bigger check than the \$50,000 and the debt forgiveness, which Judge Friedman calculates that the average settlement would be \$187,500.

Now, we don't have an accounting from the USDA on how large the average settlements are. We don't have the spreadsheet of the 22,500 applicants that poured in after the direction of this opinion by Judge Friedman and the consent decree that accompanies it directed that there be town hall meetings across the South, that the attorneys on this case, in order to earn their contingency fees, needed to go out and promote this. And they needed to put newspaper ads in and radio ads in. I believe there was also television. I can't verify that for sure. And hold meetings and call people to them.

And we have reports from throughout the South that there were meetings that were held in churches, in town hall meetings, and they were told this is your 40 acres and a mule. You need to come and sign up for this. And this is what you have to attest to in order

to get the \$50,000 check. And if you have any debt, it will be forgiven.

Now, if you present that, if you have attorneys working on contingency fees, you have the perfect mechanism for fraud. And so as we look across the South, I can't believe that all of the counties discriminated against their African American population equally. I would have to believe that if discrimination took place—and I believe it did—that it took place sometimes in a county there would be none, because the culture of that office in that county would be such that everybody gets treated equally, with respect and promptly, with all the help that they can give with the staff that they have. I believe that takes place in at least some of the counties in the South. And I believe it has for a generation or more.

I suspect—and I don't have reason to believe, but I suspect—there were counties on the other side of that spectrum where they as a matter of practice discriminated against African Americans. And these are the cases that I believe needed to be compensated. But I can't believe that it was the same level of discrimination across all of these counties.

And when I see applications, and I have a stack of these applications, most of which were paid out, and they name the same USDA employee as the one they complained to, and they give the location and the date, and that USDA employee was not at that location, could not have been at locations as far apart as they were claimed, as many dates as were claimed. And why would it be that one USDA employee had all of these complaints and yet nothing was done about the discrimination? It's this, that they offered the name over and over again.

It's kind of like if you see an individual's name, and when you look through all these applications, and I have looked through stacks of them, when I look through them and I see often the same name of the USDA employee, I see the same handwriting on application after application, I can see the narrative has been changed just slightly from application to application. If they were numbered chronologically, I can just about tell you what's going on. There is an attorney's staff that is sitting there filling out these applications. They may actually be interviewing the individuals. The individuals had to sign because they were going to get the check. And the attorney's going to get a contingency fee out of that. And we don't know how much that is. And that's not in this opinion. It's not in the consent decree. But what is in there is that the IRS gets paid also as a matter of settlement.

□ 2000

So if it's a \$50,000 virtually automatic payment, as Judge Friedman says, there is also a \$12,500 check that accompanies that that gets mailed off to the IRS.

And so now it becomes \$62,500. Judge Friedman estimated the average debt would be \$100,000. And so the debt forgiveness at \$100,000 would automatically send the check to the IRS for \$25,000 to pay the tax liability that comes from the debt forgiveness that would become a tax liability for those individuals.

Those things went on. His estimate, \$187,500 per settlement, believing that the applicants, or at least presuming to believe that the applicants for the Pigford settlement were applicants that actually were engaged in programs within the USDA. Now I can tell you whether we can get a decent insight into whether there are actual farming participants that are predominantly part of these Pigford settlements, the 14,500 that have received their first payments under the first version of Pigford I.

If we can go back and look at all the data, check their name, address, contact information, the amount of the check that they got, how much got sent to the IRS, how much debt forgiveness there was, how much got sent to the IRS. And we can look down through there, and we can see what percentage of them had debt with the USDA that was written off.

And then we can take a look at the addresses and see—some of those who have analyzed this more deeply than I would tell me that if you take out a map of the United States and start down through these applications and start sticking pins in the map at the addresses of the applications, you will find that many of these pins go directly into the inner cities and into the urban areas of America.

It's true that people can move from the farm to the city. They have been doing that for a long time. But the preponderance of the pins tell a story that doesn't appear to be consistent with the allegations of the depth and the level of fraud that they say are there.

I sat down with USDA employees. I have had these applications handed to me. I have had them come back sick at heart that they had to administer these settlements in Pigford farms and tell me that they believe that the minimum fraud level in the applications that they were required to provide a virtually automatic payment for, a minimum fraud being at 75 percent. I hear numbers from USDA employees that dealt with more application of this that go into the upper 90th percentile.

I want to look at these numbers and see. It's amazing to me that we can have 22,000 applicants, 14,500 settlements, payments that are made, and throughout all that time not have a single USDA employee that has been fired or disciplined or even identified as a perpetrator of discrimination. If we really care about ending discrimination in America—and we may have actually cleaned up the USDA, I don't allege that's the case today. In fact, I would argue that it wasn't nearly as

bad as they would like to have us believe.

And so if a discrimination took place, we should have been able to identify the perpetrators, and they should have been punished. And I think that it's irresponsible on the part of the secretaries of Agriculture, who have supported this Pigford settlement, to also say I can find not just 22,000 people that will apply; now we have applications and an additional 70,000 or so.

Now we are looking at applications in Pigford II of as many as 94,000 altogether, an additional 70,000 or so, 72,000 added to the 22,000 original claimants. And we end up with a total number of claimants of 94,000 who say that they were discriminated against. That's a really effective and efficient marketing result on the part of the attorneys that have been set up on these contingency fees and who are charged by the consent decree, the original consent decree, of holding these town hall meetings and getting the word out to African American farmers so they know if they have been discriminated against they can apply.

Again, no proof required that they were discriminated against. Early on they were required to prove that they were denied benefits compared to a similarly situated white farmer, and they complained that that was too hard. So they waived that similarly situated, and it turned out then there is no proof required that they ever farmed or applied for a program; they just have to say they wanted to farm, and that they believe they were or would have been discriminated against, and that they complained about it, and have their friends sign their affidavit.

That's what up: 94,000 applications all together. Perhaps a few less, but these are the estimates I am working with: 94,000 applications. John Boyd, President of the National Black Farmers Organization that has pushed on this and actually was formed for the purpose of bringing forth the Pigford Farms issue, testified before the Judiciary Committee that there are 18,000 black farmers in America, 18,000.

Now, granted there were more a generation earlier. There were more farmers a generation earlier. A lot of my neighbors went broke. I burned and buried a lot of farm sites across western Iowa in those years as the farm crisis went into its downward spiral, and there were people there that carried debt. There were people that were out of debt that took on debt in order to stay in business.

And as the downward spiral came, the value of their land went down, their machinery went down. The commodities prices weren't there for their crops, and bank after bank closed. And, in fact, my bank closed April 26, Friday afternoon, 3 o'clock, 1985. I will never forget that day.

I had a company to run, I had customers, most of whom were also customers of the bank that was closed—two branches shut down—a payroll to

meet. I had 2 pennies in my pocket, literally 2 pennies to rub together, just almost a symbol of how hard it was. Rub those two pennies together and hope and wish and work and pray to figure out how I could meet payroll with my employees, keep the business running, find some customers that could pay because I had my customers, all their accounts were frozen like mine was frozen.

We found a way to get through. It was difficult. But I watched that crisis hit, not just the bank closing in my neighborhood, all across the Midwest, especially. I watched it crush people. I watched family farms move off and load their things and move to the city.

So some of those pins that get stuck in the city are pins of people that were on the land that had to move off in the farm crisis here. But my point is this: That thousands of farmers went broke during the farm crisis years of the 1980s. The entire decade of the 1980s—actually starting in 1979 and flowing through, were farm crisis years.

These are the primary years where they alleged discrimination against black farmers. And where it took place, it's hard to quantify because its laid over the top of the disaster of the farm crisis years of the entire decade of the 1980s. Many people went broke. Many people were denied farm program benefits and loan programs. There were many that were not viable, and the USDA concluded that they couldn't work with them because they were going to go under.

They were already upside down. And to put good money after bad was not a good decision, not when things were spiraling downwards.

I saw banks close, new owners come in. I saw them interview the people that would come in with their loan application form, their financial statements. And I saw them go down through the financial statements. I mean I was a part of this, and I engaged with my neighbors that were going through this as I was.

As they would look at the assets and they would say, let's see. You have got this nice new combine here. Well, you are going to sell it. And you have a pretty nice pickup that's 2 years old, we are going to sell it. And by the way all the livestock that's here, you know, it could die or get sick, but it's very liquid. It can go to the sale barn this week. We will sell all of that.

And you won't need that feed so you can auction off all that hay you have got there for the cattle that are in the feedlot, you can sell them. And you don't need the horse, and you don't need your best tractor. We can get you down to a small tractor, and you can hire somebody to come in and custom combine, and you can borrow your neighbor's planter, and we will keep you on some of this land. We will take the mortgage on it. We will take a first and a second mortgage on it, and we will keep you operating for a little while, but you are going to work for the bank.

Now I am not picking on the bank; that's what they had to do to keep some of these people alive and keep them functioning. That's part of the farm program, or that is part of the crisis. The farm program did come in, and it was helpful in 1983. It gave us another boost in 1985. It got us through that decade, and now we are relatively prosperous compared to those years.

But whatever color you were, if you were farming in the 1980s, you were having trouble. And a lot of people went under, there was farm sale after farm sale. I remember the bills hanging up, the sale bills hanging up in the gas stations around, in the sale barn, where there would be farm auctions.

You could go to farm auctions, several of them a weekend every weekend, and we did that for a long time, and it hurt a lot. And I saw tears run down people's cheeks because they were standing on the land that had been homesteaded by their ancestors, and they were losing it. And it was their identity. It's who they were.

So I know, I know from personal experience how painful this is to go through those years. And to completely discount that component of the economy and argue that a lot of African American farmers that went under in the 1980s would still be farming today if it hadn't been for the discrimination in the USDA offices, it denies the starkest facts of the economy altogether. But they can't be untangled; they are tangled together. It's impossible to quantify.

□ 2010

And so the leftists in the country have decided they're just going to pay everybody that applies. That's what Pigford I was. And there was a deadline. It was filed on April 14, 1999. So you get 6 months for everybody to sign up and go out and have all these meetings, do your fish fries, meet in the churches, advertise on the radio, in the newspaper, wherever you can, and hold all these town hall meetings. And they held them—42 of them in Alabama alone, 42 meetings. And people signed up. When the deadline came 6 months after that April 14 date, then they found they had things so ginned up there were a lot of other applicants.

So even though \$1.05 billion was paid out under this Pigford discrimination claim, there were Members of the House and the Senate that introduced legislation to open up a second one, Pigford II. And they tried to do it, but they didn't get it done. This Congress wouldn't buy it. We had already seen the level of fraud in Pigford I, and to open it up again and extend the closing deadline for the consent decree so that all of these other applicants could come pouring in, this roughly 70,000, at least 66,000 that had accumulated, wasn't bought by this House and Senate in the same form. It bounced back and forth. It passed in a couple of versions on one side or the other, but this Congress never got together on

that, never got together on the authorization to extend the date.

We did get together on one thing, Mr. Speaker. We got together on the 2008 farm bill to address Pigford in a way that the House and the Senate agreed, and the President signed it. It was brought forward here on the floor, right over there from that microphone, by the chairman of the Agriculture Committee, COLLIN PETERSON, a late amendment of language that came into the bill, into the farm bill that we worked on for a long time. And it's a hard job to bring a farm bill through this Congress. And I'm sure that the weight of that weighed a little on the chairman and weighed on all of us, more on him than on anybody else. It had to have. But I argued with him at the time, the language in the farm bill authorizes \$100 million to close the Pigford issue so that if there were any remaining claims that had not been resolved, they would be put underneath the \$100 million amount, and they would all be resolved.

I argued, Mr. Chairman, you are opening up Pigford for an additional \$1.3 billion in liabilities. And it's full of fraud. And I sat way into the night in a markup on the farm bill with a representative of the USDA who had lived this and went down through anecdote after anecdote, circumstance after circumstance, and convinced me completely that there's a very, very high level of fraud that was taking place. But yet the structure of this settlement was such that they couldn't look into the fraud because you didn't have to meet the standard of being discriminated against; you just had to say you believe you were discriminated against.

So we had our debate, Chairman PETERSON and I, outside the record of this Congress actually. I said it's \$1.3 billion; this is a placeholder and a marker that opens up the door for \$1.3 billion. He said, no, \$100 million puts an end to it. And that's what we're doing. We're cleaning it up, and we're putting an end to Pigford. And I said, I don't think so. We went around on that dialogue which ended with him walking away. I don't know if I blame him for that.

But here is what's in the bill. He says the maximum amount, farm bill 2008, H.R. 2419, the total amount of payments and debt relief pursuant to actions commenced under subsection B shall not exceed \$100 million. That's what the chairman said. And here is the intent, intent of Congress as to the remedial nature of the section. It is the intent of Congress that this section be liberally construed so as to effectuate its remedial purpose of giving a full determination on the merits for each Pigford claim previously denied that determination.

In other words, if there are 66 or 70,000 applicants out there that didn't get in before Pigford closed in October of 1999, if those Johnny-come-latelies wanted to pour their applications into

this, this Congress said, here is \$100 million, that's it, it's going to take care of all the claims and no more; this is the end by law. This is the section that's cited by the current Secretary of Agriculture that he says gave him the authority at the direction of Congress, actually, acting at the direction of Congress to open up and create a Pigford II settlement where he, Secretary Vilsack and Attorney General Eric Holder sat down with John Boyd, the head of the black farmers organization, and they cooked up Pigford II, not authorized by the House and the Senate and the President as would be required if he's going to act in the fashion that he told me, in fact, not authorized at all, \$100 million cap put on this Pigford I to put an end to it. By the way, I disagreed with \$100 million. I thought we went too far with the first \$1.05 billion.

But in any case, there exists no authorization that came from Congress and no legislation that was passed by the Congress and signed by the President that gave the authority to the Secretary of Agriculture and the Attorney General to sit down with the head of the black farmers organization and arrive at an agreement early last year in February that would tap the taxpayers for an additional \$1.15 billion. But that's what they agreed to. They went on their own and had these negotiations.

Now, where would this inspiration have come from? If Congress said it's capped at \$100 million, how would Cabinet members, full Cabinet members, come to a conclusion that they needed to go sit down with John Boyd and tap the taxpayers for an additional \$1.15 billion? Where would this come from?

Well, Mr. Speaker, I will tell you where I think it may come from, and that would be from the President of the United States who, as a United States Senator, introduced the Pigford II language that opened up the filings for a second round of Pigford claims as the United States Senator, led by Barack Obama, and over on this side led by ARTUR DAVIS of Alabama and BOBBY SCOTT of Virginia.

They pushed that. They tried to push it through the Judiciary Committee. It didn't go. They slipped it into the farm bill at \$100 million. They got their placeholder. Now I ask you, Mr. Speaker, who was right? Who was right? Was it Steve King or Tom Vilsack or was it Collin Peterson? Because we are here today lamenting what happened on the House floor yesterday, which was a vote to send \$1.15 billion additional into this Pigford II settlement that I will tell you even though they have put some provisions in here still result in—still result in a virtually automatic payment to those claimants that will come. That's what will happen, Mr. Speaker.

And so the chairman of the Agriculture Committee that said this is the end of it at \$100 million, who would he disagree with? Tom Vilsack or Steve

King? I'm sure he remembers the conversation. I'm sure he remembers that I said it's 1.13 billion, and this is just a placeholder that opens it up, this \$100 million is a placeholder that opens it up. We disagreed we had that conversation. One of us is going to be right.

Did he know when he brought the language to this floor that \$100 million was going to turn out to be a placeholder for \$1.25 billion? That's \$100 million plus the \$1.15 billion. Did he know that? Or was the chairman of the Agriculture Committee apparently was he misinformed by someone else? Did the President of the United States direct his Cabinet members to go negotiate and reach an agreement for an additional payout under Pigford II of \$1.15 billion? Where would it come from? Would the Secretary of Agriculture take it upon himself if he could have ended this to open it up again? I don't think so. Would the Attorney General take it upon himself to open this up if it was ended by the farm bill of 2008? I don't think so.

I think the American people, Mr. Speaker, will suspect, as I do, that since the President was the initiator of this Pigford II legislation as a United States Senator, it was the President of the United States more likely to order his Cabinet members to go sit down and negotiate with the president of the black farmers organization and then try to figure out how to get Congress to fund it. Because the deal, the settlement proposal, and it's not a consent decree, a judge hasn't ruled upon it, a settlement proposal was something that was agreed to be contingent upon, conditional to Congress appropriating the funds to pay.

Well, last night Congress did that by a vote of 256-152. Now, if I were completely wrong on this—remember, this is a repudiated Congress. This is the lame duck Congress. This is the Congress that the American people have said enough already, shut it off. Take the shovel out of the President's hand; he's dug a deep enough hole. Stop your spending. We're going to send people to the Congress that will do the battle for fiscal responsibility and stop spending.

□ 2020

Those folks have not arrived yet, those 87 new freshmen Republicans who will be here taking the oath of office on this floor on January 4, 2011. They are not here yet, so we have the old troika ruling. We have the old troika ruling, and still, still we produced 152 "no" votes on this Pigford funding of \$1.15 billion that came through here yesterday.

Mr. Speaker, I will tell you that I believe that all 152 who voted "no" on that either deeply suspect or are convinced that there was a significant amount of fraud in Pigford I, and that the fraud in Pigford II will be substantially greater than it was in Pigford I because those, at least in theory, who were most discriminated against are the ones most likely to have filed the



application in Pigford I in a timely fashion. Those who got the news late, once the inertia of the recruitment went on across the South, they are the ones who lined up a little later. It is kind of a chain letter effect.

There were 152 who voted “no.” It was a bipartisan objection to the funding of Pigford. It wasn’t all Republicans this time. By Speaker PELOSI’s definition, it would be clearly bipartisan. There were three Democrats who voted “no.” Those Democrats, I presume, were making a statement that they believed either that those who had been discriminated against had been compensated or were making a statement against the fraud that they must believe exists. I have not talked to them so I can’t take a position as to what they believed and why they voted “no.”

But it is curious to me that two of the three Democrats who voted “no” on Pigford were two that were defeated in the last election. So one can presume that they are votes of conscience that they put up on their way home from this Congress. I thank them for their service to this country. We have one that won his election who is seated from the South who also voted “no.” I would like to hear from him. He happens to be a Rhodes Scholar, a man with a brain and a conscience that voted “no.”

So now it is up to us here in this upcoming Congress to take a look at these records, to go down and compile the spreadsheet and analyze the data and interview the people that were involved in administering this to get a real picture of what was going on. I am very well aware there are good, solid people who are responsible constitutional conservatives who don’t want to touch this. I am very well aware of that, Mr. Speaker, but we have an obligation to the American people to shine a light on this. And I intend to move forward to do that within the limitation of the time and the resources and the cooperation I am able to get in the 112th Congress.

There has been a massive amount of fraud defined to me in the interviews I have done with USDA employees. To the extent, as I said, that African American employees of the Farm Service Administration who worked within the offices, presumably if they worked there, they would not allow themselves to be discriminated against. And if they never farmed and never filed an application but received a check anyway, it is pretty clear that there is levels of fraud that need to be exposed.

And so, Mr. Speaker, there is much to be said about Pigford II. It is not a consent decree. There is only an agreement that has been negotiated between Tom Vilsack and Eric Holder and John Boyd. They have negotiated that agreement. They have negotiated the amount. They have succeeded in getting it past the Senate after the Senate reached a point of exhaustion in fighting it. That is my reports from some of

the Senators over there. They did pass it through the House after vociferous objections, 256 to 152, but with bipartisan objection; southern Democrats voting “no,” not urban but southern Democrats voting “no.”

It is on its way and we are pretty sure the President will sign it because, after all, it has been his baby since he was in the United States Senate. It is really odd that a man from Chicago would take such an interest in an issue that he can’t have personal experience with, not having personal experience that we know of in the rural areas.

And here we are, Mr. Speaker, anticipating the President will sign it. When he does, if and when he does, then I believe they will take it before the same judge that started out the Pigford I opinion with these words, “40 acres and a mule,” and laments that he can’t fix all of the problems of slavery and segregation in one class action suit. Well, he has got a second one now. It is likely to come to him. I am pretty sure Judge Friedman will approve this. And I am really confident that the Secretary of Agriculture, and if you can get the Attorney General to speak, will say that they put all kinds of safeguards in here, safeguards like lawyers have to sign off. Yeah, well, they had to sign off on the first one, too, and that didn’t really resolve this issue. It is just to the best of their knowledge they think it is true. That is not a very strong statement. There is no requirement for evidence. They did put some language in there that allows the administrators, if they think there is fraud, to ask more questions and require more documentation. Okay. But if they are instructed not to think there is fraud, they will not find fraud.

This administration does not think there is fraud or they would be looking for it. It is amazing to me—18,000 black farmers, 94,000 claims. Even if you presume that 100 percent of the black farmers were discriminated against, we still have four and a half claims for every black farmer. How does this work? It should be fraud. It can’t be described any other way.

And the percentages of these claims, there is no question that comes out of this administration, out of the White House or the Department of Agriculture or the Attorney General’s office. They are not saying we are looking into the fraud. They are saying, if it exists, it is so low it is really not an issue. But we are going to satisfy your concerns by having an IG report come out in 6 months. The money is gone. You won’t be able to get it back.

If you want to learn something about how to protect against fraud in Pigford II, let’s look at Pigford I. We already have the data. Let’s dig into it. So what I think we have to do is dig into both. And we owe it to the American people not to be paying out 40 acres and a mule. You cannot right wrongs from a century and a half ago. But if they were righted, Abraham Lincoln told us how: For every drop of blood

that was drawn by the lash be paid by a drop drawn by the sword. That’s done. That is behind us. We have an American future. We can’t be paying modern-day slavery reparations thinking we compensate what took place in the past. We have the future to worry about. Let’s make sure everybody has equal opportunity and let’s build for the future.

I see my friend, the gentleman from Texas, Judge GOHMERT has arrived. And when Judge GOHMERT comes to the floor, I know that there is some real important input that the American people need to know, and so I yield to the gentleman from Texas.

Mr. GOHMERT. My dear friend from Iowa has made some really important points. But it seems to be part of a pattern, what we have seen for the last 4 years, of the majority here in the House dividing America, playing class envy, trying to just really take—it is not Robin Hood, because Robin Hood took money back from people that stole it to give it back to the people who had actually generated the money. So I know there are some friends on the other side of the aisle who think that they are being a bit of Robin Hood, but they need to understand Robin Hood better. He didn’t take from people who earned the money; he took from people who basically stole it and gave it back to people that generated it. And yet that is the kind of stuff we see going on.

There is so much fraud in Medicare and there is so much fraud, waste, and abuse in the government itself. And yet still we hear this class envy being trumpeted. I know my friend from Iowa agrees 100 percent with me, if anybody in America makes more money, they should pay more income tax. If you had a flat income tax, that would be the case. You do have people like the renowned Warren Buffett who says he should pay more taxes. Many people like him pay less money in income tax than somebody making \$30,000, \$40,000 because they have all kinds of great ways of getting around having to pay taxes.

But I just am so deeply grieved to my soul that this class envy that is being played up by people across the aisle to avoid helping the economy by giving some certainty to people who are wondering whether they will be able to afford to hire people right now when it comes January 1 because they know the capital gains rates are going up, every marginal rate is going up.

□ 2030

It is outrageous that we have played games for 2 years now—4 years under this majority—and we have done nothing to give certainty to employers so that people will not have to file suit to try to get a job. There will be jobs created because there is certainty out there.

Most people who know about job creation know the old saying: “Capital is a coward. Capital goes to where it feels



safest." But to feel safe, investment money has to be placed where there is some certainty under the law. It is why it's not pouring into Mexico, because they don't know who is going to be in charge, who is going to be killed, who is going to be corrupted.

So all that the community is needing to know is: Is there going to be some certainty? Are our taxes going to go through the roof come January 1 as they are currently scheduled to do?

The fact that this majority would play this kind of gamesmanship and class warfare when people are out of work—they need jobs, and they want to have a Merry Christmas. There would be no better Christmas than to have a job for Christmas, but we've got this tremendously high rate of unemployment, particularly when you figure those who are underemployed. Yet this majority, even now in December, is still not willing to just say across the board that we're going to not create tax cuts—that's not even out there—but just extend the current tax rate and say we're not going to play class warfare. Of course the people who make more money should pay more money in taxes. That's why their rate is 35 percent instead of 15 percent or 10 percent at the lowest rate.

So it just grieves me. I know people who are out of work, and I know there are businesspeople I've talked to who say, I've got to find out what my taxes are going to be, what the tax rate will be for next year, because if it's going up, I can't hire anybody. If it's going to stay where it is, I can hire some people.

Now, that's a Merry Christmas when you give people a job. You limit all the bogus class warfare going on in this body, and just say, Forget the games. This is too serious. We are playing with people's lives. We are tired with the gamesmanship about how we can squeeze more money out of the Federal Government. Forget the Federal Government. Just get out of the way so that we can create jobs in America and put people back to work.

Still, unless my friend from Iowa knows differently, as far as I know, we're not taking it up, as we didn't on Monday. We congratulated some people. We, I think, named a post office, and we did a bunch of stuff yesterday—nothing, you know, breathtaking. With the Child Nutrition Act, we're going to run up the Federal Government costs.

Why not give these people an opportunity to have a job so they can pay for their own nutrition?

As far as I know, the tax extension, at the current rate across the board, is not coming up tomorrow. It may not come up Friday. We don't know when it's coming up.

So, anyway, I have been grieved to my soul as I think about the people I know who don't have jobs and about the people I know who would hire people if they knew that the tax rates were not going up. I just had to point it out one more time to our friends across the aisle. Please don't leave an-

other day leaving the tax rates in limbo. Give some certainty. Allow jobs to be created that are not government jobs.

Perhaps you know when this is going to come up.

Mr. KING of Iowa. Reclaiming my time and thanking the gentleman from Texas, also my friend, I appreciate the subject matter that you brought here to the floor tonight.

I would add to this: not only do we need to continue the tax rates that we have today, but I would make them permanent so there is certainty, so that people can do the investments that Mr. GOHMERT talked about and will be able to plan their businesses and create the jobs and plan for the future.

But there is another one that hangs over the head of many families in America today, and that is the estate tax. That one is the most ominous of them all. If we aren't able to reach an agreement on these tax brackets by the end of this lame duck session and if we are just in the condition that we are in today in that there is no certainty and where the \$1 trillion or \$2 trillion of capital that is sitting on the sidelines doesn't get released and invested into our economy, that's bad. We've already seen a lot of months of it, so another month of it doesn't devastate us completely, although it would be a great Christmas present.

I know people would be sitting around the family shop, figuring out, We can add onto this production line. Let's hire this person here. Let's make this part of our operation go. Let's open up a new business over here.

These things would be going on. That would all happen if we could get these tax brackets made permanent between now and the end of this wounded, crippled lame duck session that we have of this repudiated Congress that has been renounced by the American people.

Another month of it isn't as bad as what happens if we go another month with the estate tax hanging over our heads the way it is, because I will tell you that what will happen is there will be thousands of Americans who are lying on their death beds—some in hospices around the country, some in hospital beds, some of them lying at home—and there will be decisions made by them and their families.

Somebody who is lying there, who has got some years on him and a lot of life behind him, knowing he doesn't have much ahead of him, will say, Don't put me on life support. Don't give me any life-saving treatment. Let me pass away in 2010 because, if that happens, then you'll get the full inheritance of my life's work.

That's what he will say. He'll make that decision.

He'll tell his loved ones, Don't extend my life. Don't give me extra ways to feed me. Don't give me IVs. Let me lie here. Put me in hospice now, and let me slowly die.

That's what will be said over and over again.

There will be those who will go further. There will be those who will decide they want to end their lives so that their children don't have to pay an onerous estate tax that will have, as of midnight on December 31, a \$1 million exemption. After that, there will be an up to 55 percent tax on the balance.

I can tell you, Mr. Speaker, how that works in the neighborhood where I live. Let's just say there is somebody there who is 90 years old, and he went out and bought some land early on in life, and he leveraged it and bought another piece of land. He slowly paid for that, and ended up with a couple sections of land paid for. That's 2 square miles. That's 640 acres times two. That's 1,280 acres paid for. That's the nest egg that he worked all his life for. Maybe he worked 70 or more years to put that together. He paid the tax on the income, and retired the principal and paid the interest, and there it sits for his children. Maybe he has got five children there around that death bed.

If he passes away in the first second of 2011—by the way, there will be death certificates that are backdated, too. They'll be back-timed, probably not backdated. They'll be back-timed past midnight so the estate tax won't apply. But let's just say there are two sections of land, five kids. He passes away in the first second of 2011, and the death certificate says so. Here is what happens to those two sections of land:

The \$1 million exemption doesn't really touch the value of those two good valuable sections of land, so you can take one section out of there. There's the 55 percent tax to pay the taxman, to pay the death tax. It takes one whole section of land, 1 square mile, to pay the Federal Government. The second component of that is the section of land that is split up five ways because of the five kids.

So what they have is actually two sections of land—one that is essentially debt free because the other one has gone to pay the taxes, and it gets split five ways. Everyone has got 20 percent equity. They can't buy that land back and keep it in tact. It takes a long time to put a unit together, to put the building site together, to get the storage that's there for the grain and the livestock and all the pieces to work. It doesn't just work to go out there and say, Well, here's another piece of land that's the same or you can operate an operation that's half the size with only 20 percent equity. So it wipes out both sections of land. They sell out the whole legacy. A century of work or more goes out the window because we have a death tax that comes. The bell tolls on the death tax at midnight, December 31.

It is cruel, unconscionable and, I think, a sin for this Congress not to address that before that time.

So, Mr. Speaker, being very well aware of the clock and the duties that we all have here, I want to thank my friend from Texas for coming to the

floor and for volunteering that valuable input that we have.  
I appreciate your indulgence here this evening and the privilege to address you on the floor of the House of Representatives.  
I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:  
Mrs. MCMORRIS RODGERS (at the request of Mr. BOEHNER) for today and the balance of the week on account of the birth of her baby girl born December 1 at 12:21 a.m.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:  
(The following Members (at the request of Mr. CARNAHAN) to revise and extend their remarks and include extraneous material:)  
Mr. YARMUTH, for 5 minutes, today.  
Mr. KLEIN of Florida, for 5 minutes, today.  
Ms. RICHARDSON, for 5 minutes, today.  
Ms. KAPTUR, for 5 minutes, today.  
Ms. JACKSON LEE of Texas, for 5 minutes, today.  
Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.  
Mr. GRAYSON, for 5 minutes, today.  
(The following Members (at the request of Mrs. SCHMIDT) to revise and extend their remarks and include extraneous material:)  
Mr. POE of Texas, for 5 minutes, December 8.  
Mr. JONES, for 5 minutes, December 8.  
(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)  
Mr. LARSON of Connecticut, for 5 minutes, today.  
Mr. CLAY, for 5 minutes, today.  
Mr. REYES, for 5 minutes, today.  
Mr. CARNAHAN, for 5 minutes, today.  
Mr. GARAMENDI, for 5 minutes, today.  
Mrs. DAVIS of California, for 5 minutes, today.  
Ms. SHEA-PORTER, for 5 minutes, today.  
Mr. TIM MURPHY of Pennsylvania, for 5 minutes, today.  
Mr. CLEAVER, for 5 minutes, today.  
Ms. LORETTA SANCHEZ of California, for 5 minutes, today.  
Mr. TAYLOR, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 3386. An act to protect consumers from certain aggressive sales tactics on the Internet, to the Committee on Energy and Commerce.  
S. 3987. An act to amend the Fair Credit Reporting Act with respect to the applicability of identity theft guidelines to creditors to the Committee on Financial Services.

ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the speaker:  
H.R. 6162. An act to provide research and development authority for alternative coinage materials to the Secretary of the Treasury, increase congressional oversight over coin production, and ensure the continuity of certain numismatic items.  
H.R. 6166. An act to authorize the production of palladium bullion coins to provide affordable opportunities for investments in precious metals, and for other purposes.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.  
The motion was agreed to; accordingly (at 8 o'clock and 39 minutes p.m.), the House adjourned until tomorrow, Thursday, December 2, 2010, at 10 a.m.

BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to Public Law 111-139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of H.R. 6184, To amend the Water Resources Development Act of 2000 to extend and modify the program allowing the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the evaluation of permits, for other purposes, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 6184, A BILL TO AMEND THE WATER RESOURCES DEVELOPMENT ACT OF 2000 TO EXTEND AND MODIFY THE PROGRAM ALLOWING THE SECRETARY OF THE ARMY TO ACCEPT AND EXPEND FUNDS CONTRIBUTED BY NON-FEDERAL PUBLIC ENTITIES TO EXPEDITE THE EVALUATION OF PERMITS, AND FOR OTHER PURPOSES, AS TRANSMITTED WITH AN AMENDMENT TO CBO ON NOVEMBER 9, 2010

	By fiscal year, in millions of dollars—											
	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2011–2015	2011–2020
NET INCREASE OR DECREASE (–) IN THE DEFICIT												
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0

H.R. 6184, as amended, would extend through 2016 the authority of the Corps to collect and spend funds contributed by private firms to expedite the evaluation of permit applications. Because the legislation would affect direct spending, pay-as-you-go procedures apply. However, based on information from the Corps, CBO estimates that amounts collected and spent for such purposes would total less than \$500,000 annually and that the net budgetary impact would be negligible.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:  
10530. A letter from the Chair, Election Assistance Commission, transmitting a letter in response to a report by the Government Accountability Office regarding the Antideficiency Act; to the Committee on Appropriations.  
10531. A letter from the Under Secretary, Department of Defense, transmitting authorization of Brigadier General Byron C. Hepburn, United States Air Force, to wear the authorized insignia of the grade of major general; to the Committee on Armed Services.  
10532. A letter from the Under Secretary, Department of Defense, transmitting authorization of Captian Scott P. Moore, United States Navy, to wear the authorized insignia

of the grade of rear Admiral (lower half); to the Committee on Armed Services.  
10533. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Safety of Facilities, Infrastructure, and Equipment for Military Operations (DFARS Case 2009-D029) (RIN: 0750-AG73) received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.  
10534. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement (DFARS); Continuation of Essential Contractor Services (DFARS Case 2009-D017) (RIN: 0750-AG52) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10535. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Continuation of Current Contracts-Deletion of Redundant Text (DFARS Case 2010-D016) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.  
10536. A letter from the Chairman, Congressional Oversight Panel, transmitting the Panel's monthly report pursuant to Section 125(b)(1) of the Emergency Economic Stabilization Act of 2008, Pub. L. 110-343; to the Committee on Financial Services.  
10537. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID:

FEMA-2010-0003] received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10538. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2010-0003] received October 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10539. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2010-0003] received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10540. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2010-0003] [Internal Agency Docket No.: FEMA-8151] received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10541. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2010-0003] received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10542. A letter from the Legal Information Assistant, Department of the Treasury, transmitting the Department's final rule — Definitions for Regulations Affecting All Savings Associations; Money Market Deposit Accounts [Docket ID: OTS-2010-0011] (RIN: 1550-AC40) received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10543. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to the Republic of Columbia pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

10544. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to Switzerland pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

10545. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to Spain pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

10546. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to South Africa pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

10547. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Indexed Annuities [Release No.: 33-9152; File No. S7-14-08] (RIN: 3235-AK16) received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10548. A letter from the Special Inspector General For The Troubled Asset Relief Program, transmitting the Office's quarterly report on the actions undertaken by the Department of the Treasury under the Troubled Asset Relief Program, the activities of SIGTARP, and SIGTARP's recommendations with respect to operations of TARP, for the period ending September 30, 2010; to the Committee on Financial Services.

10549. A letter from the Secretary, Department of Education, transmitting the annual

report of the National Advisory Committee on Institutional Quality and Integrity for Fiscal Year 2010, pursuant to 20 U.S.C. 1145(e); to the Committee on Education and Labor.

10550. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "Report to Congress on the Impact and Effectiveness of Administration for Native Americans (ANA) Projects for Fiscal Year 2009"; to the Committee on Education and Labor.

10551. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's Report to Congress on Fiscal Year 2006 Community Services Block Grant Discretionary Activities: Community Economic Development and Rural Community Facilities Community Development, pursuant to Section 680(c) of the Community Services Block Grant Act of 1981 as amended; to the Committee on Education and Labor.

10552. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Investigational New Drug Safety Reporting Requirements for Human Drug and Biological Products and Safety Reporting Requirements for Bioavailability and Bioequivalence Studies in Humans [Docket No.: FDA-2000-N-0108] (formerly Docket No.: 00N-1484) (RIN: 0910-AG13) received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10553. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Use of Ozone-Depleting Substances; Removal of Essential-Use Designation (Flunisolide, etc.); Correction [Docket No.: FDA-2006-N-0304] (formerly Docket No.: 2006N-0262) (RIN: 0910-AF93) received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10554. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — "Guidance on the Planning and Use of Special Accounts Funds" received October 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10555. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 1-Propene, 2,3,3,3-tetrafluoro-; Significant New Use Rule [EPA-HQ-OPPT-2008-0918; FRL-8846-8] (RIN: 2070-AB27) received October 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10556. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Promoting a Competitive Market for Capacity Reassignment [Docket No. RM10-22-000; Order No. 739] received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10557. A letter from the Regulations Coordinator, Health and Human Services, transmitting the Department's "Major" final rule — Health Insurance Issuers Implementing Medical Loss Ratio (MLR) Requirements under the Patient Protection and Affordable Care Act (RIN: 0950-AA06) received November 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10558. A letter from the Secretary, Department of Commerce, transmitting letter of certification, pursuant to Public Law 105-261, section 1512; to the Committee on Foreign Affairs.

10559. A letter from the Deputy Assistant Secretary For Export Administration, De-

partment of Commerce, transmitting the Department's final rule — Additions to the List of Validated End-Users in the People's Republic of China: Hunix Semiconductor China Ltd., Hunix Semiconductor (Wuxi) Ltd. and Lam Research Corporation [Docket No.: 100727314-0350-01] (RIN: 0694-AE95) received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

10560. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

10561. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's annual report for 2009 on United States Participation in the United Nations, pursuant to Public Law 79-264, section 4(a); to the Committee on Foreign Affairs.

10562. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting correspondence from the Speaker of the Bangladesh Parliament; to the Committee on Foreign Affairs.

10563. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergency Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997; to the Committee on Foreign Affairs.

10564. A letter from the Secretary, Department of Transportation, transmitting agency financial report for fiscal year 2010; to the Committee on Oversight and Government Reform.

10565. A letter from the Chairman, Federal Reserve System, transmitting the System's Semiannual Report to Congress for the six-month period ending September 30, 2010, as required by the Inspector General Act of 1978, as amended; to the Committee on Oversight and Government Reform.

10566. A letter from the Acting Treasurer, National Gallery of Art, transmitting an FY 2010 annual report on audit and investigative coverage required by the Inspector General Act of 1978, as amended, and the Federal Managers' Financial Integrity Act, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

10567. A letter from the Acting Director, Office of Management and Budget, transmitting a report entitled, "Statistical Programs of the United States Government: Fiscal Year 2011", pursuant to 44 U.S.C. 3504(e)(2); to the Committee on Oversight and Government Reform.

10568. A letter from the Librarian, Library of Congress, transmitting the Annual Report of the Library of Congress, for the fiscal year 2009, pursuant to 2 U.S.C. 139; to the Committee on House Administration.

10569. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Black Sea Bass Fishery; 2010 Black Sea Bass Specifications; Emergency Rule Extension; Correction [Docket No.: 100120036-0360-02] (RIN: 0648-XT99) received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10570. A letter from the Assistant Attorney General, Department of Justice, transmitting the report on the administration of the Foreign Agents Registration Act covering the six months ending December 31, 2009, pursuant to 22 U.S.C. 621; to the Committee on the Judiciary.

10571. A letter from the Assistant Attorney General, Department of Justice, transmitting a report concerning the practices and policies of agencies with the Department relating to the use of physical restraints on female prisoners during pregnancy; to the Committee on the Judiciary.

10572. A letter from the Assistant Attorney General, Department of Justice, transmitting the annual report of the Office of Justice Programs for Fiscal Year 2009, pursuant to 42 U.S.C. 3712(b); to the Committee on the Judiciary.

10573. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation for Marine Events; Roanoke River, Plymouth, NC [Docket No.: USCG-2010-0756] (RIN: 1625-AA08) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10574. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; U.S. Coast Guard BSU Seattle, Pier 36, Seattle, WA [Docket No.: USCG-2010-0021] (RIN: 1625-AA87) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10575. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Passaic River, Clifton, NJ [Docket No.: USCG-2010] (RIN: 1625-AA09) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10576. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Taunton River, Fall River and Somerset, MA [Docket No.: USCG-2010-0234] (RIN: 1625-AA09) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10577. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Red Bull Flugtag, Delaware River, Camden, NJ [Docket No.: USCG-2010-0728] (RIN: 1625-AA00) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10578. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mississippi River, Mile 427.3 to 427.5 [Docket No.: USCG-2010-0703] (RIN: 1625-AA00) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10579. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; DEEPWATER HORIZON at Mississippi Canyon 252 Outer Continental Shelf MODU in the Gulf of Mexico [Docket No.: USCG-2010-0448] (RIN: 1625-AA00) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10580. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Olympia Harbor Days Tug Boat Races, Budd Inlet, WA [Docket No.: USCG-2010-0799] (RIN: 1625-AA00) received October 28, 2010,

pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10581. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Potomac River, St. Mary's River, St. Inigoes, MD [Docket No.: USCG-2010-0719] (RIN: 1625-AA00) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10582. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Revocation and Establishment of Class E Airspace; St. George, UT [Docket No.: FAA-2010-0660; Airspace Docket No. 10-ANM-4] received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10583. A letter from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting the Department's final rule — Miscellaneous Amendments to the Federal Railroad Administration's Accident/Incident Reporting Requirements [Docket No.: FRA-2006-26173; Notice No. 3] (RIN: 2130-AB82) received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10584. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the 2009 annual report on the operation of the Enterprise for the Americas Initiative and the Tropical Forest Conservation Act; jointly to the Committees on Foreign Affairs and Agriculture.

10585. A letter from the Administrator, Environmental Protection Agency, transmitting the agency's 2006-2007 Biennial Review of the Louisiana Coastal Wetlands Conservation Plan Report to Congress; jointly to the Committees on Natural Resources and Transportation and Infrastructure.

10586. A letter from the Assistant Attorney General, Department of Justice, transmitting fourth quarterly report of FY 2010 on Uniformed Services Employment and Reemployment Rights Act of 1994; jointly to the Committees on the Judiciary and Veterans' Affairs.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CONYERS: Committee on the Judiciary. H.R. 3245. A bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act regarding penalties for cocaine offenses, and for other purposes (Rept. 111-670, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Ms. PINGREE of Maine: Committee on Rules. House Resolution 1745. Resolution providing for consideration of the Senate amendment to the bill (H.R. 4853) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes, and providing for consideration of motions to suspend the Rules (Rept. 111-671). Referred to the House Calendar.

### DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the Committee on Energy and Commerce discharged from further consideration.

H.R. 3245 referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CROWLEY:

H.R. 6463. A bill to require the Federal Communications Commission to promulgate regulations requiring a label to be displayed on the packaging of certain baby monitors to warn that the signals of such monitors may be intercepted by potential intruders; to the Committee on Energy and Commerce.

By Mr. OBERSTAR:

H.R. 6464. A bill to amend the Federal Fire Prevention and Control Act of 1974 to make fire department grant funds available for fire station construction, to reauthorize the firefighter assistance program, and for other purposes; to the Committee on Science and Technology.

By Mr. BOREN:

H.R. 6465. A bill to amend the Water Resources Development Act of 1986 to clarify the role of the Cherokee Nation of Oklahoma with regard to the maintenance of the W.D. Mayo Lock and Dam in Oklahoma; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON LEE of Texas (for herself, Mr. GARAMENDI, Mr. COURTNEY, Ms. HIRONO, Mr. JOHNSON of Georgia, Mr. KILDEE, Mr. BOCCIERI, Ms. CLARKE, and Mr. CROWLEY):

H.R. 6466. A bill to amend title 38, United States Code, to provide certain abused dependents of veterans with health care; to the Committee on Veterans' Affairs.

By Mr. LEVIN:

H.R. 6467. A bill to amend the Internal Revenue Code of 1986 to provide middle class tax relief, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ELLISON (for himself, Mr. AL GREEN of Texas, Ms. EDWARDS of Maryland, Mr. HIMES, and Mr. CLEAV-ER):

H.R. 6468. A bill to authorize the Secretary of Housing and Urban Development to initiate a voluntary multi-year effort to transform properties with rental assistance contracts under various programs into properties with long-term, property-based, sustainable rental assistance contracts that include flexibility to address capital requirements, to enhance resident choice, and to streamline and simplify the administration of rental assistance; to the Committee on Financial Services.

By Mr. GEORGE MILLER of California:

H.R. 6469. A bill to amend section 17 of the Richard B. Russell National School Lunch Act to include a condition of receipt of funds under the child and adult care food program; to the Committee on Education and Labor.

By Mr. FALEOMAVAEGA (for himself, Mr. ACKERMAN, Ms. BORDALLO, and Mr. SABLAN):

H.R. 6470. A bill for the relief of the peoples of Bikini, Enewetak, Rongelap, and Utrik,

and of other citizens of the Republic of the Marshall Islands; to the Committee on the Judiciary.

By Mr. LAMBORN (for himself, Mr. PRICE of Georgia, Mr. BARTLETT, and Mr. FRANKS of Arizona):

H.R. 6471. A bill to require the Director of National Intelligence to submit a report on the foreign development of electromagnetic pulse weapons; to the Committee on Intelligence (Permanent Select).

By Mr. SHULER:

H.R. 6472. A bill to require U.S. Customs and Border Protection to administer polygraph examinations to all applicants for law enforcement positions with U.S. Customs and Border Protection, to require U.S. Customs and Border Protection to initiate all periodic background reinvestigations of certain law enforcement personnel, and for other purposes; to the Committee on Homeland Security.

By Ms. LEE of California (for herself, Ms. EDWARDS of Maryland, Mr. RUSH, Mr. GRIJALVA, Ms. BORDALLO, Mr. FRANK of Massachusetts, Mr. HINCHY, Ms. NORTON, Ms. SPEIER, Mr. DEUTCH, Mr. STARK, Ms. WOOLSEY, Mr. RANGEL, Mr. JOHNSON of Georgia, Ms. BALDWIN, Mr. POLIS, Ms. MCCOLLUM, Ms. DELAUNO, Mr. COHEN, Ms. ROYBAL-ALLARD, Mr. SERRANO, Mr. CONYERS, Mr. MEEKS of New York, Mrs. CHRISTENSEN, Mr. PAYNE, and Mr. ELLISON):

H. Con. Res. 333. Concurrent resolution supporting the goals and ideals of World AIDS Day; to the Committee on Energy and Commerce, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MITCHELL (for himself and Mrs. SCHMIDT):

H. Res. 1743. A resolution congratulating Gerda Weissmann Klein on being selected to receive the Presidential Medal of Freedom; to the Committee on Oversight and Government Reform.

By Mr. FALEOMAVAEGA (for himself, Mr. ACKERMAN, Ms. BORDALLO, and Mr. SABLAN):

H. Res. 1744. A resolution referring the bill (H.R. 6470) entitled "A bill for the relief of the peoples of Bikini, Enewetak, Rongelap, and Utrik, and of other affected citizens of the Republic of the Marshall Islands" to the chief judge of the United States Court of Federal Claims; to the Committee on the Judiciary.

By Mr. ISRAEL:

H. Res. 1746. A resolution recognizing and supporting the efforts of Welcome Back Veterans to augment the services provided by the Departments of Defense and Veterans Affairs in providing timely and world-class care for veterans and members of the Armed Forces suffering from PTSD and related psychiatric disorders; to the Committee on Veterans Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PERLMUTTER (for himself, Mr. COFFMAN of Colorado, Ms. DEGETTE, Mr. LAMBORN, Ms. MARKEY of Colorado, Mr. POLIS, and Mr. SALAZAR):

H. Res. 1747. A resolution congratulating the Colorado Rapids soccer club for winning the 2010 Major League Soccer Championship; to the Committee on Oversight and Government Reform.

By Mr. SENSENBRENNER (for himself, Mr. DELAHUNT, and Mr. MORAN of Virginia):

H. Res. 1748. A resolution expressing the sense of the House of Representatives that the United States should initiate negotiations to enter into a bilateral free trade agreement with Turkey; to the Committee on Ways and Means.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 868: Mr. MARKEY of Massachusetts.  
H.R. 891: Mr. TOWNS.  
H.R. 1193: Mr. TIERNEY.  
H.R. 1205: Mr. SKELTON, Mr. INSLEE, and Mr. DENT.  
H.R. 1501: Mr. GRAYSON.  
H.R. 1502: Mr. GRAYSON.  
H.R. 1549: Mr. SCOTT of Virginia, Mr. DICKS, and Mr. PASTOR of Arizona.  
H.R. 1806: Mr. DOYLE and Ms. DELAUNO.  
H.R. 1809: Mr. GRAYSON.  
H.R. 1958: Mr. GRAYSON.  
H.R. 2030: Mrs. HALVORSON.  
H.R. 2112: Mr. DAVIS of Kentucky.  
H.R. 3039: Mr. CROWLEY.  
H.R. 3303: Mr. COHEN.  
H.R. 3578: Ms. MOORE of Wisconsin.  
H.R. 4278: Mrs. CAPPS, Mr. TONKO, and Mr. HASTINGS of Florida.  
H.R. 4322: Mr. WOLF and Mr. COBLE.

H.R. 4668: Mr. GRAYSON.  
H.R. 4669: Mr. GRAYSON.  
H.R. 5308: Mr. AUSTRIA.  
H.R. 5400: Mr. BOREN.  
H.R. 5510: Ms. SUTTON.  
H.R. 5643: Mr. BERMAN.  
H.R. 5847: Mr. ROTHMAN of New Jersey.  
H.R. 5928: Mr. BOREN.  
H.R. 6017: Mrs. CHRISTENSEN.  
H.R. 6045: Ms. ZOE LOFGREN of California.  
H.R. 6128: Mr. COHEN and Mr. MOORE of Kansas.  
H.R. 6214: Mr. TOWNS.  
H.R. 6240: Mr. BOREN.  
H.R. 6340: Mr. SERRANO, Mr. HASTINGS of Florida, and Mr. NADLER of New York.  
H.R. 6365: Mr. WOLF.  
H.R. 6406: Mr. MCCLINTOCK, Mrs. LUMMIS, Mr. WILSON of South Carolina, Mr. BARTLETT, and Mr. LAMBORN.  
H.R. 6415: Mr. BROUN of Georgia, Mr. LAMBORN, Mrs. LUMMIS, Mr. WILSON of South Carolina, Mr. BARTLETT, Mr. POSEY, Mr. SHIMKUS, and Mr. COFFMAN of Colorado.  
H.R. 6418: Mr. SMITH of Nebraska and Mr. WALZ.  
H.R. 6458: Mr. QUIGLEY.  
H. Con. Res. 323: Ms. SCHWARTZ and Mr. BISHOP of Georgia.  
H. Con. Res. 331: Mr. BACA, Mr. ACKERMAN, Mr. DEUTCH, and Mr. MARKEY of Massachusetts.  
H. Res. 1444: Mr. BURGESS, Mr. PRICE of North Carolina, Mr. LEWIS of Georgia, Mr. FRANK of Massachusetts, Mr. CONNOLLY of Virginia, Mr. CASTLE, Mr. WOLF, Mr. ACKERMAN, and Mr. MAFFEI.  
H. Res. 1670: Ms. SPEIER.  
H. Res. 1687: Mr. SCHOCK.  
H. Res. 1705: Mr. CAPUANO.  
H. Res. 1717: Mr. FORBES, Mr. ROYCE, Mr. JORDAN of Ohio, Mr. MACK, Mr. Fortenberry, Mr. AKIN, Mr. BOOZMAN, Mr. FRELINGHUYSEN, Ms. GRANGER, Mr. FLAKE, Mr. SIRES, Mr. KLEIN of Florida, Mr. FATTAH, Mr. SAM JOHNSON of Texas, Mr. WAMP, Mr. ADERHOLT, Mr. CAO, and Mr. ENGEL.  
H. Res. 1725: Mr. CAO, Mr. AKIN, Mr. WAMP, Mr. KLEIN of Florida, Mr. SIRES, Mr. ADERHOLT, Mr. ROYCE, Mr. SAM JOHNSON of Texas, and Mr. FORBES.  
H. Res. 1727: Mr. BRADY of Texas, Mr. PAUL, and Mr. WITTMAN.  
H. Res. 1732: Mr. LATOURETTE, Mr. INGLIS, Mr. BARTLETT, Mrs. MYRICK, Mr. WOLF, and Mr. WILSON of South Carolina.  
H. Res. 1734: Mr. NADLER of New York, Mr. KING of New York, Mr. DEUTCH, Mr. ROTHMAN of New Jersey, and Mr. COSTA.



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 111<sup>th</sup> CONGRESS, SECOND SESSION

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No. 155

## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal unchanging God, You are our rock, our fortress, and our stronghold.

Empower our lawmakers to change in ways that will render them more faithful to Your will and more responsive to Your call. May they develop such moral and ethical fitness that they will clearly comprehend Your desires and be eager to do Your will. As they grow in grace and in knowledge of You, deliver them from the bonds of anxiety, as You turn their spirits toward the light of Your presence.

May the knowledge of Your blessings to our Nation bring us all to a deeper commitment to You.

We pray in Your strong Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, December 1, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator

from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, following any leader remarks, there will be a period of morning business. Senators will be allowed to speak for up to 10 minutes each during that time. Republicans will control the first 30 minutes, and the majority will control the final 30 minutes. We are going to recess from 12:30 until 3:30 today to allow for a caucus the Democrats are having.

### MEASURES PLACED ON THE CALENDAR—S. 3991 and S. 3992

Mr. REID. Mr. President, there are two bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bills by title for the second time.

The assistant legislative clerk read as follows:

A bill (S. 3991) to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

A bill (S. 3992) to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and entered the United States as children and for other purposes.

Mr. REID. Mr. President, I object to any further proceeding with respect to these two bills.

The ACTING PRESIDENT pro tempore. Objection having been heard, the

bills will be placed on the calendar under rule XIV.

### LEGISLATIVE PROGRESS

Mr. REID. Mr. President, last night we began the rule XIV process on two important bills—the DREAM Act and Firefighters Collective Bargaining.

It had been my intent to file cloture on both of these bills. However, supporters of the original bills requested that modifications be made.

Those changes are reflected in the bills we introduced last night, and I intend to move forward on both of these.

In addition, I intend to file cloture this week on the 9/11 health bill. So I will file cloture on all three at the same time.

The current continuing resolution expires this Friday. We are awaiting House action on short term CR which we will receive later this week.

I hope Members on both sides of the aisle will allow us to act quickly on this short term CR when we receive it.

As we work to clear the short term CR, the House and Senate Appropriations Committees are working on legislation to fund the government for the remainder of the fiscal year.

Earlier this morning, I received a letter from my Republican colleagues indicating they will filibuster any legislative matter brought to the floor prior to the completion of the spending and tax bills. No one is more eager to put both these issues behind us than I; however, passing either will require Republican votes. I wish I could report we are close to wrapping up action on both bills, but we are not.

The first meeting that was requested by the President is taking place this morning. Senator MCCONNELL chose Senator KYL to represent Republicans. I chose the chairman of the Finance Committee, Senator BAUCUS, to represent Democrats. So they are moving forward on that to see if there is something that can be worked out. My Republican colleagues knew this, as they

• This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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drafted this letter; therefore, they also know that the true effect of this letter is to prevent the Senate from acting on many important issues that have bipartisan support. With this letter, they have simply put in writing the political strategy the Republicans have pursued this entire Congress; namely, obstruct and delay action on critical matters and then blame Democrats for not addressing the needs of the American people. It is cynical but obvious and transparent.

We must move forward on matters of importance. We have numerous judges who need to be taken care of. I am trying to work something out with the Republican leader on those. I hope everyone understands there are issues we need to deal with. There are meetings going on as we speak to try to help us move forward and to allow us to complete action at the earliest possible date.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each, with Republicans controlling the first 30 minutes and Democrats controlling the next 30 minutes.

Mr. REID. I suggest the absence of quorum and ask unanimous consent that the time be charged equally.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

#### CONGRESSIONAL PRIORITIES

Mr. McCONNELL. Mr. President, for the last 2 years, Democratic leaders in Washington have spent virtually all of their time ticking off items on the liberal wish list while they have had the chance: government-run health care, a national energy tax, financial regulations, bigger government, bigger deficits, union bailouts, government takeovers. So here we are, with just a few weeks left in the session, and they are still at it.

Last month, the American people issued their verdict on the Democratic priorities. Democrats have responded by doubling down. For 2 years, they legislated as if they were not in the middle of a national jobs crisis, and now they are legislating as if they do not realize the government is about to run out of money and every taxpayer in America is about to get slammed with a giant tax hike.

With just a few weeks to go before the end of the session, Democrats continue to place their priorities over the priorities of the American people. These are the things Democrats have chosen to do instead of preventing a massive tax hike that economists tell us would stifle the economy.

Republicans have pleaded with Democrats to put aside their wish list, to focus on the things Americans want us to focus on. They have ignored us. The voters repudiated their agenda at the polls. They have ignored them. Time is running out, and they are ignoring that.

The election was a month ago. It is time to get serious. It is time to focus on priorities.

Now, a little while ago, I delivered a letter to Senator REID signed by all 42 Senate Republicans. It says every Republican will vote against proceeding to any legislative matter until we have funded the government and protected every taxpayer from a tax hike. Basically, what it means is, first things first.

With time running out in this session, we need to focus on these critical priorities. As the letter states:

Our constituents have repeatedly asked us to focus on creating an environment for private-sector job growth; it is time that our constituents' priorities become the Senate's priorities.

At the moment, every taxpayer in the country stands to get a massive tax increase and a cut in pay on December 31. We need to show the American people we care more about them and their ability to pay their bills than we do about the special interest groups' legislative Christmas list. Republicans are united in our opposition to proceeding to any of these things until Democrats make the priorities of the American people their own.

Mr. President, I ask unanimous consent that the letter to Senator REID I just referenced be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, November 29, 2010.

Hon. HARRY REID,  
Majority Leader, Capitol Building,  
Washington, DC.

DEAR LEADER REID: The nation's unemployment level, stuck near 10 percent, is unacceptable to Americans. Senate Republicans have been urging Congress to make private-sector job creation a priority all year. President Obama in his first speech after the November election said "we owe" it to the American people to "focus on those

issues that affect their jobs." He went on to say that Americans "want jobs to come back faster." Our constituents have repeatedly asked us to focus on creating an environment for private-sector job growth; it is time that our constituents' priorities become the Senate's priorities.

For that reason, we write to inform you that we will not agree to invoke cloture on the motion to proceed to any legislative item until the Senate has acted to fund the government and we have prevented the tax increase that is currently awaiting all American taxpayers. With little time left in this Congressional session, legislative scheduling should be focused on these critical priorities. While there are other items that might ultimately be worthy of the Senate's attention, we cannot agree to prioritize any matters above the critical issues of funding the government and preventing a job-killing tax hike.

Given our struggling economy, preventing the tax increase and providing economic certainty should be our top priority. Without Congressional action by December 31, all American taxpayers will be hit by an increase in their individual income-tax rates and investment income through the capital gains and dividend rates. If Congress were to adopt the President's tax proposal to prevent the tax increase for only some Americans, small businesses would be targeted with a job-killing tax increase at the worst possible time. Specifically, more than 750,000 small businesses will see a tax increase, which will affect 50 percent of small-business income and nearly 25 percent of the entire workforce. The death tax rate will also climb from zero percent to 55 percent, which makes it the top concern for America's small businesses. Republicans and Democrats agree that small businesses create most new jobs, so we ought to be able to agree that raising taxes on small businesses is the wrong remedy in this economy. Finally, Congress still needs to act on the "tax extenders" and the alternative minimum tax "patch," all of which expired on December 31, 2009.

We look forward to continuing to work with you in a constructive manner to keep the government operating and provide the nation's small businesses with economic certainty that the job-killing tax hike will be prevented.

Sincerely,

Mitch McConnell, Republican Leader;  
Jon Kyl, Republican Whip; Robert F. Bennett; Kay Bailey Hutchison; John Barrasso; John Cornyn; David Vitter; Tom Coburn; Pat Roberts; Mike Crapo; James M. Inhofe; Richard G. Lugar; Jim DeMint; John Thune; Lamar Alexander; Jim Bunning; Michael B. Enzi; Saxby Chambliss; John McCain; James E. Risch; Roger F. Wicker; Chuck Grassley; Johnny Isakson; Christopher S. Bond; Judd Gregg; Richard C. Shelby; Orrin G. Hatch; Bob Corker; Susan M. Collins; Richard Burr; George S. LeMieux; Mike Johanns; George V. Voinovich; Lindsey Graham; Jeff Sessions; Scott Brown; John Ensign; Thad Cochran; Sam Brownback; Lisa Murkowski; Olympia J. Snowe.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Mr. BEGICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### THE ECONOMY

Mr. BEGICH. Mr. President, I wasn't planning to actually come to the floor this morning, but as we prepare for the day, sometimes we watch those who make comments and reflect on what was talked about yesterday and what we discussed and what we see on the floor. I have this new attitude that as I see people put information on the floor that has to have a balance to it, I am going to come out and give that balance when I can. The biggest one is on the economy.

I sat here yesterday and heard some folks on the other side complaining that it took us a week to deal with the food safety law, and they wondered why. Well, it is because the other side continues to require filibusters for 30 hours. I know the Presiding Officer has been working aggressively on this to try to figure out a way to get things on this floor more quickly so we can have a debate. But what shocked me is, they complained that it took a week when, in fact, their delay tactics caused the week delay. So they wonder why. They create the problem and then they complain about the problem.

The bigger issue is on the economy. The Presiding Officer and I came here 2 years ago. We came and were sworn in, in this Chamber, in January of 2009. This economy was collapsing. It was a disaster. It did not matter if you were from Alaska or New Mexico; wherever you went, you heard the stories about the problems with the economy and where we were headed. It was incumbent upon us to do as many things as possible to assist the economy to grow, to figure out the pathway. Not all ideas we laid on the table that passed were perfect, but they were multiple and multifaceted, to figure out what to do. The converse is, the other side just kept saying no, no, no. They weren't interested in doing anything to move this economy forward. We were in a crisis moment.

When we think about issues and we look back—and always at the time we are making decisions and we are hoping for the best and we are trying everything possible—it is helpful to remind ourselves where we were. It didn't matter, again, as I said, if you were from Alaska or New Mexico, the economic condition of this country and this world was at risk. So we made some moves that were controversial, and today many of us don't like to talk about them because the pollsters will tell us: That is bad news; don't talk about it. The public hates it. Maybe it is the TARP or the bailout or the stimulus. Figure out the list.

Every day I read Business Week, the Wall Street Journal, CNBC. I look at all the business publications online and in print. What I like to see is not what politicians are saying about how the

economy is going but what other people are saying—the people who actually work every single day to try to build this economy. I can speak to this. Meaning no disrespect—I know the Presiding Officer is an attorney. I mean no disrespect to the attorneys who are here. We have lots of them in the Senate.

I am from the private sector. My first business license was at the age of 14. My wife owns four retail stores. We are businesspeople. We understand what it takes to go to the bank and try to scratch a loan from them to build a business, expand a business. We understand when a banker says no, so we have to go raise capital from other folks to try to make our dreams come true.

There are a lot of people who come to this floor on the other side who talk a lot about business who have never been in it, who have never had to make a payroll. They have worked their way through another means of income. So it is frustrating to me when I hear people who have never been in it come out on this floor and talk about the business world.

Let me give some data points. I will probably do this more often than I should over the next several months because the American people have heard the story from the other side over and over.

I was no big fan of the auto bailout—a lot of us weren't—but 10 days ago, a little blip in the news: GM had the largest initial public offering in stock market history. The first day they estimated that about \$17 billion would be subscribed to it. Then it was \$20 billion. The latest news is \$23 billion. The American people put their money on the table and bet on GM: \$23 billion. Unbelievable. Actually, what truly shocked me was when I grabbed—and I get it every day, I read it, and I think there are incredible news stories. It is not a liberal newspaper—the Wall Street Journal. It has very conservative views on a lot of things. But their headline: "GM Stock Sale in High Gear. Government-backed carmakers on pace to score one of the largest U.S. IPOs ever."

The government owned 61 percent then. With this IPO, it is now down to about 26 percent. It clearly shows, even though it was controversial and still is controversial, even though no one wants to talk about it, that investment to save an American company in order for it to sustain American jobs in this country is succeeding. It is not because I am saying it. It is not because the Presiding Officer might say it or the other side now wants to take some credit, which is amazing—I love some of the quotes I read.

When this first was kicked around, they called it socialism, the world was collapsing, the sky was falling. Now you read the quotes from some of the folks on the other side and they say: Well, with our help, we made it a better deal. They didn't vote for anything

to make it a better deal. That is just a fact. The fact is, we took the risk to make an American company survive. That is what we did on this side of the aisle. Today, that company is more profitable than ever before.

When you look at the data, the private sector is successful and the American people are investing in that company. That is the true test of the work we did—even though it was controversial—what the outcome was.

As I sit here in the last couple of days, I am going to read a couple more data points. Again, it is not me saying this or writing these issues; it is the private sector that is identifying where we are going in this economy. Later this week, we will get a report—on Friday. I heard today in some of the comments that we should let the private sector do as much as it can. I 100 percent agree. I come from the private sector. Many on the other side talk about it, but they have never been there. The private sector added 93,000 jobs last month.

When you look at another one, the number I like to look at is consumer confidence. When consumers are more confident about the economy, they will spend more money, drive our economy, and invest in their country.

Interestingly, "Consumer, Manufacturing Reports Beat Forecasts." That came out yesterday. Again, it is another indicator that the economy is moving in the right direction. It is still rough and fragile, and the policies are controversial, yes, but we took the risk and bet on the American people. That is what the Democrats did. We said that we believe in America, our ingenuity, innovation, and the capacity to pull us out of this recession. We are going to help them with some tools. They are making it happen.

I can tell you this from my wife being in the retail business. Black Friday—the Friday after Thanksgiving—is what retailers focus on when moving into the fourth quarter. Is it going to be successful? If you look at all the reports compared to a year ago, retailers have strong momentum coming out of Black Friday. Everyone did very well. That is another good indication.

As a matter of fact, one encouraging sign—and this is out of another business document. CNBC did this. It comes from the NPD Group, figuring out where consumers are after Black Friday and other shopping days. Shoppers are starting to buy items for themselves. In addition to gifts for others, about 35 percent of shoppers told NPD on Black Friday that they also made purchases for themselves. If shoppers are starting to splurge on themselves, that is an important development. It can push the holiday season past the forecasts.

I am not making this up. This is what is happening because, again, this side of the aisle said: We are going to bet on the American people. We are going to bet that the work we did in early 2009, trying everything possible

to jump-start this economy, is going to have a payoff down the road because we are going to focus on the private sector, helping them get the tools they need, just as we did before the August break in passing the small business incentive program and tax incentives and loan capacity. We only received two votes from the other side for that. So be it. We go the road alone. The net result for the last 2 years is that—I have been here for 2 years, and the occupant of the chair has been on the other side for a decade or so. But we came here to get work done. It may be controversial at times. Leadership is not easy. It is not just saying we are going to do that because everybody loves it. Sometimes the tough decisions are the ones the public has the hardest time with in the worst situations—the recession. We made some decisions—again not perfect—but the results are slowly and surely coming true.

The economy is moving in the right direction. Every time I hear from the other side that the private sector needs to do more—absolutely. As a matter of fact, the largest companies have more cash in their bank accounts today than they have had in decades because they have done well in the last few years in preparing for the new growth that is occurring right now in our economy.

I didn't plan to come down here. I was getting prepared for a Commerce Committee hearing. The occupant of the chair and I are both on that committee. Anybody who suggests we are not focused on this economy or on job creation or figuring out how to make sure the middle-class taxpayers of this country get a fair shake and make sure they have a tax break coming forward and continuing forward—those who say we are not focused on that are mistaken. I learned this when I was a mayor: We can do more than one thing at a time.

The reason I came down to talk is that nobody was talking. It is a dead zone. That is what happens. When they come down here and say: Gee, I wish we would be working on this or that—well, quit filibustering and doing the 30-hour delays and get on with the work. We are multitasking. The American people have asked us to work on jobs, the economy, taxes, and the budget. We are 100 people, and we can do this. Anybody who sits around and thinks we are not focused on the economy—as someone who lived in the private sector, comes from it, who deals with small businesspeople every single day, I understand exactly what they are feeling. So those who have never experienced that should experience it once and understand that every day is an opportunity.

I am going to continue to come down here and talk about the positive news, the opportunities that are occurring from the work we have done in the last 2 years. The other side may complain or argue over was it right or wrong. The proof will be in the pudding in the fact that other people—not politicians

jawboning about it—in the private sector are telling us. We have had some good news over the last several months.

The last point I will leave on is another bit of good news. It was small business again. They do an indicator and try to determine the confidence level of a small businessperson. That is important because the small business community is the largest driver of new employment now and in the future. So you want to make sure their confidence level is high. Well, in the last 5 months, it has increased every single month. I believe it is because of actions we have done here to give them faith that we believe in them, in the American people, and we believe the ability to move this economy forward is ahead of us, and we are doing it today.

Again, I will continue to come down here with data points and articles—not out of liberal magazines or publications. I heard earlier today about some liberal agenda. I don't know what that is about. I know what the American agenda is. I know what Alaska's agenda is. That is what I am here to do. If we just get off of these partisan kinds of activities and focus on what is right, we can get a lot done around this place. So I will continue to come down here and talk about the positive aspects of what is going on in the economy. Believe in the future and have an attitude of being positive about what we can do, and it is amazing what this country and this economy can do.

Mr. President, I appreciate the time I have had to discuss this issue. I warned my staff as I left—I said: Turn on the TV. I didn't tell them why I was coming here. They will ask me when I get back what I was doing. I will come down and talk about the positive aspects of this economy and will no longer listen to the other side naysay with negative attitudes. We have an economy that is improving—fragile but improving in the right direction because we on this side bet on the American people. I believe we bet right.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MANCHIN.) Without objection, it is so ordered.

#### TAX INCREASES

Mr. HATCH. Mr. President, we are a few hours into the month of December, 2010. Normally, the month of December means holiday times for most American families. For Jewish Americans, Hanukkah starts at sundown. As anyone who visits a department store knows, Santa Claus is already as much a fixture as the shelves and lights. The congressional Christmas tree will be lit in a few days.

This should be a happy time for families. But the festive mood is dampened by the high unemployment and the slow economic growth rate in this country.

Too many businesses are struggling. Too many investors are holding back their capital. Too many workers are idled. And here in Washington, we hear too much talk and take too little action to effectively address these problems.

For almost 4 years, our friends on the other side have failed to take action on the tax increase that will soon hit virtually every income taxpaying American.

There is bipartisan resolution staring us all in the face. It is the only bipartisan compromise. I am talking about a seamless extension of current bipartisan tax policy that was enacted in 2001 and 2003. How is it the only bipartisan compromise on the table?

Look no further than the statements of members themselves. I am aware of no Republican in the House or Senate favoring less than a full prevention of the widespread tax hikes set to kick in in 31 short days.

Democrats are split. That is why we have seen no action for almost 4 years. It seems they may be split three ways.

I have heard rumors that many Democrats in both bodies would privately prefer current law; that is, they would prefer to leave the law as it is and let the tax hikes kick in. But that is a privately held sentiment. The politics of advocating a tax increase on virtually every American income taxpayer are not, shall we say, compelling. This is the first group.

The second group is aligned with President Obama's budget. That position would guarantee a marginal tax rate hike on all small business owners with incomes above \$200,000 if single or \$250,000 if married. That's the second group.

A significant number of Democratic House and Senate Members have signaled that a short-term seamless extension of all current law tax relief is their preferred course. That is the third group.

There might be a fourth group who think that we ought to raise that \$200,000 to \$500,000, and that \$250,000 to \$1 million. But that still hits small business right in the face at a time when we need to create jobs. We Republicans understand that. I cannot understand why my Democratic friends do not seem to understand that. The Presiding Officer understands that.

Republicans generally support a permanent tax freeze. That position is embodied in Leader MCCONNELL's bill. I am pleased to be a cosponsor of that bill. But we Republicans know that, as good as that policy is, we will not likely find at least 18 Democrats to join us. We likely will not get 60 votes for it now. We would make it permanent if we could.

The wisdom of the bipartisan compromise is that it keeps intact the political glue that made the bipartisan tax relief possible in the first place.

Republicans supported the original plan because of the mix of two key tax relief policies. The first policy was tax relief for America's families. The second policy was tax relief designed to spur economic growth.

The fact that we are divided now is due to the Democratic leadership's insistence that the growth incentives part of the compromise be broken off. They want to break it off, using language like "decoupling," and discard the pro-growth policy.

That is the essence of the difference.

Democrats are split, but the Democratic leadership is united on the point of breaking off the pro-growth piece of the policy.

In an effort to avoid the obvious compromise, two members of the Senate Democratic leadership have put forward a new proposal. The proposal would apply the pending rate hikes to single taxpayers at \$500,000 of income and married couples at \$1 million of income. This latest partisan proposal is said to be necessary for fiscal reasons. Finance Committee Republican staff, using data from the non-partisan Joint Committee on Taxation, conducted a preliminary analysis of this proposal. They concluded that less than half the revenue sought by the Democratic leadership would be raised by this proposal. That tells me the reason behind this new proposal may be ideological.

Now, some may ask why Republicans do not give in and agree to hike taxes on those earning over \$500,000 or \$1 million. Certainly, it puts a fine point on the usual political game of class warfare.

To those of us on this side of the aisle, the sting of the proposal's political shot is far outweighed by its economic harm. Why is it so important?

Let me turn to two broad principles where Democrats and Republicans generally agree. The first principle is that a healthy growing economy is a very good antidote to our fiscal ailments. The second principle is that small business will be the source of new jobs. Do not think you'll find much daylight between Republicans and Democrats on these principles.

Now, let's consider the merits of this so-called "millionaire" tax in light of these bipartisan principles.

Fiscal history shows, without question that revenues will grow and temporary social safety net entitlement spending will drop if the economy grows. I have a chart that shows this history. If you follow this chart, you will see revenue is very sensitive to the changes in growth. Revenue is red, GDP is green. Growth goes up. Revenue goes up. Growth goes down. Revenue goes down.

It is well established that capital is the lifeblood of business. According to Answers.Com and I quote:

CAPITAL is the life by which the body [of business] operates. A business without finance is like a body in coma. No matter how great the environment is, the entity is considered dead. It is the blood that keeps men

alive. Drain the blood and watch life end for even the strongest and most privileged human that exists.

No one disputes the notion that taxpayers with incomes above \$500,000 for singles and \$1 million for married couples are a small fraction of the tax-paying population. But they account for a lot of capital gain income.

A proposal to raise the marginal rate on capital gain income by 33 percent on this group may seem like it would have minimal impact on the pool of capital income. Internal Revenue Service data indicate the contrary is true. The latest data from IRS Statistics of Income division are revealing.

According to SOI, taxpayers at \$1 million and over accounted for 56½ percent of the net long-term capital gain income for 2008. This figure reached close to 70 percent the year before. Keep in mind that statistic understates the impact. The reason is that the capital gain income for single taxpayers with income between \$500,000 and \$1 million is not counted.

The proposed so-called millionaire's tax would pile up rates on this large pool of capital income. I have a chart that illustrates the impact. The chart shows the current tax rate for this group of taxpayers rising to almost 24 percent in a little over two years. That means an almost 60 percent higher tax take on earnings from capital from current law.

If capital is the lifeblood of business, does it make sense to make the investment of it dramatically less attractive? Considering the current slow growth, jobless recovery, should we put in place policy that drives down the after-tax rate of return on capital?

I have talked only about the hike on capital income since flow-through small business income would be adversely affected by the tax hikes on ordinary income. You can see I am concerned. Look what that means. It is true that these small business owners would be earning over \$500,000 if single and over \$1 million if married. They represent a significant portion of the ownership of small businesses that will create new jobs. According to the non-partisan Joint Committee on Taxation, the President's tax hikes would hit half of flow-through small business income. I do not have the same calculation for this revised proposal. But do we have the margin for error? In this rough patch of our economic history, shouldn't the policy bias be towards business expansion? Why should we send the opposite signal? In this economic climate, what justifies a higher marginal rate of 17 percent on the most successful of our small businesses? Why hit the small businesses most likely to expand and hire people and give them jobs?

The way is clear. To my friends in the Democratic leadership, and they are my friends, I dare say, everybody in this body is a friend of mine. There are good people here. Why are we not working in a bipartisan way to solve

these proposals? I say throw down the partisan weapons. Don't sharpen them with a more partisan, edgy proposal, like the so-called "millionaire's tax." On our side, we would like to keep the current low tax rates in effect. We want them to be permanent. We, however, recognize that the legislative calendar of this session is about to end. We are ready to take a short-term time out with a seamless short-term extension of current tax relief. I ask our friends on the other side to do the same.

Now, it is no secret that 42 all 42 Republicans have said we should go to work on these problems right now and quit playing games around here. And we are unwilling to let anything else go forward until we solve these problems. These problems are the problems of extending the current tax relief for everybody.

We would like it to be permanent. Most of the Democrats would not like it to be permanent. There has to be a way of bringing us together. We are not going to agree, it seems to me. We are not going to be free to go to what our friends on the other side want to do and increase taxes at this time in the economic history of this country.

All 42 Republicans have signed a letter making it clear we will not get closure on anything until we resolve these problems. Then let's go to work after that. If the leadership does want to keep playing around in December, in the holiday season, let's at least go to work on other problems. I can think of a lot of other problems. For instance, the so-called SGR doc fix. The Democrats have taken \$500 billion out of Medicare. If they took \$282 billion of that, that solves the doc fix. We don't have to worry about it every year as we do right now. That money is there. What about the death tax? If we don't solve the death tax, it dramatically goes up. Who does it hurt? Small businesspeople, farmers, and others who don't have all the lawyers in the world to help them evade those taxes.

What about the alternative minimum tax? That was a tax that was supposed to affect 155 multimillionaires who didn't pay taxes that year. Today it will affect 23 to 26 million people, many in the middle class. Democrats always talk like they want to get rid of it, but they love it because it means more revenue for them to spend. Why don't we get rid of it? Even if we don't have an offset, I prefer to get rid of it because it goes up every year. We have to patch it every year, it costs billions of dollars, where if we do it once, it is a one-hit thing that at least we know where we are and we can work the deficit down from there.

What about the research and development tax credit? Virtually everybody in this body knows how important that is to our high-tech industry, which in some ways is not competitive because we always foul it up. It has now been absent for a year because even though the Democrats have had abject control

of this body and could have done anything they wanted to do to preserve it and protect it, they haven't done a dog-gone thing. As somebody who works on intellectual property issues day in and day out and has done so for 34 years in the Senate and has done so in a bipartisan way—and I don't think anybody on the other side can say I haven't worked with them in these areas; Senator LEAHY and I worked together very closely on these issues—why aren't we making it possible for our high-tech world to create jobs by being more competitive, by giving them what we all basically agree they should have and do it permanently; that is, the research and development tax credit.

These are just a few things I think we ought to be able to get together on in a bipartisan way and accomplish at the end of this year.

If I was the President—and I am not, but if I was, and it is nice to speculate every once in a while, especially on the floor of the Senate, when we see all these problems—I would be banging on Democrats and Republicans to resolve these problems I have been discussing today. The President would have all December. He would have all January, virtually, since we don't get geared up and going very much until February. He would have most of February, and he might even have most of March almost all to himself and to his organization in the White House. I can't understand, for the life of me, why the President isn't weighing in to get this problem solved now as well as the problems I have been talking about. It is to his advantage. Instead, we will play these phony political games right up to Christmas Day. We have done that before. I can live with that. I can work on Christmas Day, as far as I am concerned. But it is ridiculous what is going on around here. It is ridiculous. Here we have 3 or 4 days gone, where hardly anything is going to be done, where we could resolve these problems.

We have this group together. It is a good group with good representatives from the House and Senate and, of course, the Treasury Secretary and the Director of OMB. I have high hopes they will wise up and come to a conclusion that this is what we have to do and do it as quickly as we can, in the best interests of the country, so there is some certainty for our business community to create jobs and our banks to start loaning again and for others to get involved in the economy. This is to the advantage of the President. I don't understand why he is not beating on the guys on the other side and over there in the House to wake up and do what is right. Then let's get this over with and get this country back on track again.

Republicans are dedicated to try to resolve the problem. We will not get pushed around on this. Frankly, we want to solve it with our friends on the other side. I just hope we can.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### UNANIMOUS-CONSENT REQUEST— S. 3981

Ms. STABENOW. Mr. President, as we come to the end of the year and the end of the session, I want to talk about what is happening for the American people, for small businesses, what is happening in terms of the Senate, and what is at stake as we come to the end of the year for American families, folks who are struggling every day, people trying to keep in the middle class, get into the middle class, a small business trying to keep its head above water, as well as our manufacturers, and so on.

It is extremely concerning to me that colleagues on the other side of the aisle—and they have shown it again today in a letter that was written to the leader—are willing to risk everything in order to get a bonus round of tax cuts for millionaires and billionaires. They are literally willing to stop everything, risk everything in the economy, in order to get an extra tax cut.

The reason I say “extra” or “bonus” is because we have in front of us an agreement that 97 percent of the public who earn less than \$250,000 a year for their family should be continuing to receive tax cuts permanently. Everyone who has income up to \$250,000, whether their real income is \$1 billion or not, they get a tax cut up to \$250,000 of their income. So the question we will be answering this month is whether millionaires and billionaires get a bonus, get an extra tax cut on top of that.

Here, as shown on this chart, is what the Republicans are willing to put at risk. I say to the Presiding Officer, who heard it as well as I did throughout the year, talking about the deficit, how we needed to stop the exploding deficit, that we need to bring deficits down, in order to get a bonus tax cut for millionaires and billionaires, they are willing to risk the Federal deficit, balloon it another \$700 billion—not paid for.

Now they are saying we ought to pay for unemployment benefits for somebody who lost their job in this economy through no fault of their own. But \$700 billion? The average tax cut is \$100,000 for somebody earning \$1 million. Mr. President, \$100,000 is more than the average person in Michigan makes. My guess is, in West Virginia it is the same.

So in order to keep \$100,000 a year going in a bonus tax cut for people earning \$1 million, they are willing to risk the Federal deficit exploding. They are willing to risk jobs because we have seen a policy in the last 10 years of basically giving tax cuts to

folks at the top and everybody else waiting for them to trickle down. My folks are tired. I think colleagues on the other side of the aisle just think we have not waited long enough for this to trickle down to everybody else. But the reality is that policy they want to continue, that explodes deficits, gives a bonus tax cut for people at the top, has not created jobs.

In fact, my question is, after 10 years of tax cuts for the wealthy, where are the jobs? My State has lost over 800,000 jobs during the period of this bonus tax cut policy for millionaires and billionaires. If it had worked, if we had created 800,000 jobs in Michigan rather than losing 800,000 jobs, I would be on the floor of the Senate fighting to continue this policy.

This is not partisanship. This is about common sense and what works. We have had a policy in place that has not worked, so why would we continue it? They say we have to continue this because we are in a recession.

This is part of the reason we are in a recession in terms of the fact that it did not invest in the right way. If we want to take those dollars and put them back into clean energy manufacturing and focus on making things in America, if we want to put it into what that we know is actually going to focus on jobs, good-paying, middle-class jobs, I am all for it. But \$700 billion of a policy that has not worked for 10 years makes no sense.

So that is my question. Where are the jobs? Show me the jobs, and I will be the first person on the Senate floor voting yes to continue it. But they are willing to risk the deficit. They are willing to risk jobs. They are willing now, in the letter they have sent to the leader today, to risk tax cuts for middle-class families and small businesses by saying: Do you know what. We are not going to do anything else until we continue the tax cuts for everybody in this country, including millionaires and billionaires.

They are not willing to work with us to make sure middle-class families, who are the folks who need to have money back in their pockets, and small businesses, that need that money back in their pockets, get permanent help. Then we can work on the rest of it where people disagree.

We are going to hear a lot about small business. And I find it quite surprising that colleagues have filibustered in the last 2 years 16 different tax cuts for small business—a small business jobs bill to make capital available for small business so they can keep their heads above water, refinance, grow their business. Personally, I am not going to be lectured by people who voted against 16 different tax cuts in the last 2 years for small businesses, who are now using small businesses to hide behind—the folks who are hiding behind small businesses that they are holding up as the ones for whom they are fighting.

We are happy on our side. We take a back seat to no one on fighting for

small business. I thank our Chair, MARY LANDRIEU, who was on the Senate floor over and over from the Small Business Committee and a wonderful group of colleagues who fought and fought to make sure we put forward a bill—it took way too long because of foot dragging, everybody trying to throw sand in the gears, but we finally got it passed, a tremendous amount of effort to increase capital and to add eight tax cuts in the small business jobs bill, on which only two Republican colleagues had the courage to step across the aisle and join us. We are very grateful they were willing to do that.

But the Senate Republican caucus is willing to put all of that in jeopardy, hold hostage tax cuts needed by people—working people, middle-class families, small businesses—if they cannot get a bonus tax cut for millionaires and billionaires.

They are also willing, frankly, to jeopardize Social Security and Medicare. We have a debt commission coming up with proposals that are very concerning. There are tough decisions about Social Security and Medicare going forward because we have a deficit. They are saying: Oh well, wait a minute. First, you have to increase the deficit by \$700 billion in order to give millionaires and billionaires a tax cut. No, we don't care. We don't care if that impacts Social Security and Medicare and tough decisions that have to be made for seniors who live on Social Security and Medicare.

The most important thing—and we have heard this over and over—is we don't care if it is paid for, it doesn't matter if it is paid for or if anything else gets done for national security. We are not going to take up the START treaty. We don't care about our relationship with Russia. We don't care about national security issues. We want a tax cut for our friends, the millionaires and billionaires, adding \$700 billion to the debt. They are willing to risk it all, stop the tax cuts for middle-class families and small businesses, in order to get that bonus tax cut.

Finally—and most insulting to me of all—is they can stand and say we will not support helping people who are out of work in an economy that is way beyond normal, where there are five people looking for every one job. In my State, you are talking about folks who have never been out of work before in their life and they are mortified and they are doing everything they can to hold it together. They are trying desperately to keep their heads above water, while their houses are underwater, and they may not have been able to have their kids continue in college this year. Folks are trying to make it, and they are saying we didn't create this economy, create the crisis on Wall Street or create all the rest of this. They have done nothing but play by the rules their whole lives, and now they are in a situation where they can't find a job.

I have talked to a lot of folks, 50, 55, 60 years old, who worked all their lives. We are coming up to the holidays now. All they want to do is what we have always done as a country in the case of high unemployment; that is, allow them to receive unemployment benefits to get them through a tough time temporarily, while we should be focusing on jobs because people want to work. People don't want to get \$200 or \$300 in unemployment benefits. They want to work. They want the dignity of work. Americans know how to work and they want to work. They are looking to us to create a climate of certainty in the marketplace, working with businesses so they can get a job.

But here we have a situation where the Republicans in the House turned down unemployment benefits yesterday. Senator JACK REED came to the floor to ask unanimous consent—which I will ask again—to be able to extend unemployment benefits, just the regular system. I also believe we need to add additionally for people who have run out of their benefits, the “ninety-niners.” We need to help them as well. This is just to keep the regular system going, so somebody who loses their job today or is beginning to lose their job is treated as fairly as the person who lost their job on Monday. Right now, the system is up in the air.

We hear on the other side: My goodness. We can't possibly extend unemployment benefits without “paying for it” and cutting someplace else. It is, for a year, about \$50 billion. That is a lot of money; I am not saying it is not. But how about we help pay for it by not giving a bonus tax cut to millionaires in this country—\$700 billion—and colleagues on the other side of the aisle do not believe that should be paid for. Somehow tax cuts for millionaires and billionaires have different rules than a little bit of help for somebody who lost their job, through no fault of their own, and is trying to keep their family together and a roof over their heads in these times.

That is a heck of a choice in terms of values. I am amazed. But what we have, as we come to the end of the year, is a situation where colleagues on the other side of the aisle have indicated they are going to continue to block everything. Well, the filibuster is not new. It has been done every day on this floor for the last 2 years. Now they are saying that in addition to extending—obviously, getting the budget done, and we all agree with that. But if we don't extend the tax cuts for everybody—meaning millionaires and billionaires—then they are going to filibuster everything else, including unemployment benefits.

Let me say, in closing, that we are in a situation where right now, today, we could give 97 percent of the public certainty going forward about tax cuts, small businesses, middle-class families, by simply joining on a proposal to protect and extend permanently middle-class tax cuts and those for the vast

majority of small businesses. We certainly can come together in a way that does more for small business. This is the side that voted 16 times for tax cuts for small businesses. But we believe it is economically and morally wrong to allow an average \$100,000 in additional tax relief for a millionaire next year, while somebody who worked all their life and lost their job, through no fault of their own cannot keep a roof over their head this year. It is absolutely not right.

By the way, let me just reiterate—because we are going to hear a lot about small businesses—this is not about small businesses. We are willing to come together, as we always have, for small businesses. This is about a few people, and not even everyone in that category is asking for a tax cut, by the way. A lot of these folks understand we have the biggest deficit in the history of the country. They are blessed through their circumstances to be very well off, and many are saying: I want to do my part and I am willing to do my part. Ask me to do my part and I will. They are not asking to hurt people who are out of work in order for them to get another tax cut.

Unfortunately, on the other side of the aisle, our colleagues are willing to risk everything—the deficit, jobs, Social Security, Medicare, tax cuts for the middle class and small businesses, and help for people who are out of work in order to give a bonus tax cut for a privileged few people. That is not what we are about. That is not what we are about or what we are going to fight for.

At this point, because it is absolutely critical that we understand what families are going through now in this holiday season and that someone who is losing a job today should be treated as fairly as somebody who lost their job 2 days ago, I ask unanimous consent that the Finance Committee be discharged of S. 3981, a bill to provide for temporary extension of unemployment insurance provisions; that the Senate then proceed to its immediate consideration; that the bill be read the third time and passed and the motion to reconsider be laid upon the table; that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. BARRASSO. Mr. President, reserving the right to object, and I will object, I understand Senator BROWN of Massachusetts objected to this request yesterday and offered a fully offset alternative. Therefore, on his behalf, I do object and ask unanimous consent that his proposal be printed in the RECORD.

The PRESIDING OFFICER. Objection is heard to the unanimous-consent request offered by Senator STABENOW.

Is there objection to the request of the Senator from Wyoming?

Ms. STABENOW. Mr. President, reserving the right to object, and I will not object, I simply want to say it is a sad day for millions of families in this country. This is a message we should



all be embarrassed to have sent; that millionaires and billionaires should be the ones who are being fought for on the floor of the Senate and that millions of people who are out of work don't count. I regret that.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

(Purpose: To provide for a substitute)

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Emergency Unemployment Benefits Extension Act of 2010".

#### SEC. 2. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(A) by striking "November 30, 2010" each place it appears and inserting "January 3, 2012";

(B) in the heading for subsection (b)(2), by striking "NOVEMBER 30, 2010" and inserting "JANUARY 3, 2012"; and

(C) in subsection (b)(3), by striking "April 30, 2011" and inserting "June 9, 2012".

(2) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking "December 1, 2010" each place it appears and inserting "January 4, 2012"; and

(B) in subsection (c), by striking "May 1, 2011" and inserting "June 11, 2012".

(3) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110-449; 26 U.S.C. 3304 note) is amended by striking "April 30, 2011" and inserting "June 10, 2012".

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (E), by striking "and" at the end; and

(2) by inserting after subparagraph (F) the following:

"(G) the amendments made by section 2(a)(1) of the Emergency Unemployment Benefits Extension Act of 2010; and".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Unemployment Compensation Extension Act of 2010 (Public Law 111-205).

#### SEC. 3. TEMPORARY MODIFICATION OF INDICATORS UNDER THE EXTENDED BENEFIT PROGRAM.

(a) INDICATOR.—Section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended, in the flush matter following paragraph (2), by inserting after the first sentence the following sentence: "Effective with respect to compensation for weeks of unemployment beginning after the date of enactment of the Emergency Unemployment Benefits Extension Act of 2010 (or, if later, the date established pursuant to State law), and ending on or before December 31, 2011, the State may by law provide that the determination of whether there has been a state 'on' or 'off' indicator beginning or ending any extended benefit period shall be made under this subsection as if the word 'two' were 'three' in subparagraph (1)(A)."

(b) ALTERNATIVE TRIGGER.—Section 203(f) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph:

"(2) Effective with respect to compensation for weeks of unemployment beginning after the date of enactment of the Emergency Unemployment Benefits Extension Act of 2010 (or, if later, the date established pursuant to State law), and ending on or before December 31, 2011, the State may by law provide that the determination of whether there has been a state 'on' or 'off' indicator beginning or ending any extended benefit period shall be made under this subsection as if the word 'either' were 'any', the word 'both' were 'all', and the figure '2' were '3' in clause (1)(A)(ii)."

#### SEC. 4. RESCISSION OF UNSPENT FEDERAL FUNDS TO OFFSET LOSS IN REVENUES.

(a) IN GENERAL.—Notwithstanding any other provision of law, of all available unobligated funds, \$95,000,000,000 in appropriated discretionary funds are hereby rescinded.

(b) IMPLEMENTATION.—The Director of the Office of Management and Budget shall determine and identify from which appropriation accounts the rescission under subsection (a) shall apply and the amount of such rescission that shall apply to each such account. Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit a report to the Secretary of the Treasury and Congress of the accounts and amounts determined and identified for rescission under the preceding sentence.

(c) EXCEPTION.—This section shall not apply to the unobligated funds of the Department of Defense or the Department of Veterans Affairs.

#### SEC. 5. BUDGETARY PROVISIONS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled 'Budgetary Effects of PAYGO Legislation' for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendment between the Houses.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. BARRASSO. Mr. President, welcome to the Senate. It is a pleasure to have the Senator from West Virginia joining this body. I will tell the Senator that ever since the health care law has been passed, I come to the floor every week as a physician, as someone who has practiced medicine for a quarter of a century, taking care of families across the State of Wyoming, to give a doctor's second opinion about the health care law. I bring that each week, bringing a different story of someone who has not been helped by the health care law, someone who has been hurt by it, an identifiable victim of the health care law.

I heard it at home over Thanksgiving from doctors, nurses, as well as patients. I believe this law is going to be bad for patients, for providers, the nurses and doctors who take care of them, as well as for taxpayers. It has been no surprise to me that Americans want and expect repeal of this health care law.

The most recent Rasmussen poll showed that Americans support repeal

of ObamaCare by a margin of 21 percent; 58 percent are for repeal and 37 percent are not. Independent voters support repeal by 24 percentage points, 59 to 35 percent.

So I continue to come to the floor to bring out to our colleagues the concerns I have about the health care law and the concerns I hear at home from patients and from providers and from taxpayers.

I wish to mention that recently the Secretary of Health and Human Services, Kathleen Sebelius, sent a letter to members of the medical school class of 2014. These would be the incoming medical students, first year medical students in your State and mine. In the letter that goes to about 15,000 or 16,000 first-year medical students, she talks about this health care law and about how she believes it will be good for them as medical students and good for their patients.

One of the things she talks about in the letter, interestingly enough, is she said that many of you and your siblings are undoubtedly under the age of 26, as many first-year medical students are. She then raises the issue that says you will now be able to stay on your family's insurance policies until you are 26.

As you know, this was one of the selling points behind this health care law, that young people would be able to stay on their insurance policies until the age of 26. The Secretary points that out to all incoming medical students. I think it came as quite a surprise—it did to me, and I think it should have to these medical students and others—to read a story on November 20 in the Wall Street Journal that talks about—the headline is: "Union Drops Health Coverage for Workers' Children."

The idea was that children were supposed to be covered under this health care law. I will start by reading this:

One of the largest union-administered health insurance funds in New York is dropping coverage for the children of more than 30,000 low-wage home attendants, union officials say.

This is the Service Employees International Union. They are dropping coverage for about 6,000 children. The President has said no children will be dropped. The Secretary said no children will be dropped. Yet a union, which has encouraged, through its lobbying efforts, support of the health care law is now dropping 6,000 children. Why are they doing it? It says the health care reform legislation requires plans with dependent coverage to expand the coverage up to age 26. What they say is:

Our limited resources are already stretched as far as possible, and meeting this new requirement would be financially impossible.

During the entire debate on the health care law, people said that many of these rules and regulations and requirements are going to be financially demanding. Yet this body, before the occupant of the chair arrived, crammed

this law down the throats of the American people—the American people who don't want it or like it and have asked that it be repealed and replaced. Now even one of the unions that lobbied for it is saying: We are actually going to drop 6,000 children who had previously been covered because of the legislation, and they say it would be financially impossible to comply with.

So, Mr. President, I looked at the Secretary's letter, I looked at this response, and TOM COBURN, another physician in the Senate, and I had a lot of concerns about the letter the Secretary sent to the medical students of this country. So we also sent a letter, an open letter, to America's medical students in the first year of their medical school.

What we wanted to do was to first congratulate these young men and women on dedicating their time, their talent, and their skill in the service to others. We talked about the importance as physicians and as medical students of truly listening to their patients because one of the basic tenets of medicine is nothing should come between a doctor and his or her patients. It is important for them to be able to have the time to listen, to focus, and to spend time and not allow anyone or anything to come between the doctor and the patient. Yet here in the Senate we passed a health care law that puts Washington and faceless bureaucrats between the doctor and the patient. We talked about the significant change in the doctor-patient relationship in this letter Senator COBURN and I sent to medical students and our concerns that Washington is now going to have more power to determine the care these medical students and future doctors are going to be able to deliver to their patients. We talked about the 150 new government regulating bodies coming out as a result of this 2,700-page bill and that they are going to intrude upon the doctor-patient relationship. We talked about our concerns about what is called cookbook medicine—follow these rules—because of the new authorities that have been provided by these 150 new bodies that have been created by the law and that decisions will be made based on cost rather than on what may be best for the individual patients.

The President continues to talk about providing coverage for more people. Well, there is a lot of difference between coverage and care, and that is why, when a leader in Saudi Arabia had a recent health problem within the last 2 weeks, he chose to come to the United States—because it is the best care in the world. The World Health Organization may have someone else listed at No. 1, but the ruler from Saudi Arabia decided to come to the United States. He didn't go to Cuba or England or Canada; he came here for our care. We want the young men and women who are in medicine, who are going into medicine and training in medicine to be able to provide that

kind of care. And we want the American people to be able to continue to receive that kind of care. Unfortunately, in this body, political passion overtook good policy, and a law was passed that I think is not going to be good for patients or for providers or for those people paying the bill.

So that is what I hear every weekend at home in Wyoming. It may be what you hear as well. I know you have heard that in your home State. Yet the President of the United States sat for a wide-ranging interview with Barbara Walters on television the other evening, and when he described this health care law, he said he was extraordinarily proud of health care reform. What I consider a health spending bill he calls a lasting legacy which he said, "I am extraordinarily proud of."

That is one reason I was surprised to see the headline in the Washington Post, which actually, I believe, was the same day as the President's interview with Barbara Walters. In the Washington Post edition of Friday, November 26, the front-page headline reads "Doctors Say Medicare Cuts Forcing Them to Shift Away From Elderly." Medicare cuts are forcing them to shift away from the elderly. This is what we talked about during the debate on the floor of the Senate when that health care law was being debated, that they have taken \$500 billion away from Medicare—not to save Medicare, not to help our seniors, not to extend the life of Medicare, no, but to start a whole new government program.

That is why every week I come to the floor to offer a doctor's second opinion and share with all those in this Chamber and the American people why I believe, as a doctor who has practiced medicine for a long time, that this is a health care law that we need to repeal and replace—replace it with something that is good for patients, good for providers, and good for the taxpayers of this country.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

#### JOBS, THE ECONOMY, AND HOUSING

Mr. ISAKSON. Mr. President, first of all, let me congratulate you on your victory and welcome you to the Senate. I know you will be a great addition to the Senate. I have already enjoyed serving with you on the HELP Committee this morning.

Mr. President, I rise for just a few minutes to talk about three issues—jobs, the economy, and housing—that I think all of us around the country will recognize are the three biggest problems thwarting our recovery. There are some realistic solutions that are out there that I think we could all come together on if we would just take the time to realize that working on disagreement rather than finding agreement is not serving the Senate very well right now.

One of the reasons we have had a slow job recovery is because of the uncertainty American businesses and American wage earners have in what their tax rates are going to be.

I ran a company. It started out as a small company, and it became a pretty good-sized company. This was the time of year—every December—when we had our managers' retreat, and we would plan what we would do the next year. We would do our budget, we would talk about new hires, new departments, and new ideas.

Right now, corporations and small businesses in this country that are sitting around their planning retreats and talking about next year do not know what their tax rates are going to be, they do not know what their regulatory environment is going to be. So they are doing what every business does: They are making conservative decisions. They are not risking capital. They are going to wait until their future tax lives and regulatory lives have some degree of certainty.

So one way to bring back jobs to America and bring them back quicker than anything else would be for this Senate and the House to come together and extend the existing tax rates for a predictable, foreseeable period of time so businesses know what the playing field is going to look like. The absence of certainty between now and the end of the year means that no one will make a decision to hire anybody until we first make a decision on what their taxes are going to be. If we decide they are going to go up, if we capitulate and let the current sunset take place, then American businesses, at a time of high unemployment and low productivity in terms of business activity, will see an increase in their tax rate and we will see a decrease in employment next year in the United States. I hope that doesn't happen. I hope we will find common ground and find a way to extend the existing tax rates.

Secondly, I wish to talk about housing for a second because it is an important part of jobs. I know there have been two speeches on the floor this week talking about some stimulus to bring the housing market back. One stimulus that will bring it back is to make taxes certain because if taxes become certain, people know what the taxes will cost them and they make important big-purchase decisions. When they have uncertainty in what their income or their net is going to be, they do not make big-ticket purchases, whether it is an automobile or a house.

But there are other problems in housing as well. We need to fundamentally return to a marketplace that has some degree of liquidity in it for acquisition and purchases. Right now, except for the FHA and an occasional lender in terms of a jumbo lender to a big-ticket client, there is basically no mortgage money in the United States for an American home buyer. Because of mark to market being applied by the

FDIC and the other cease-and-desist orders the banking institution and lenders are under, nobody is extending credit.

In my State of Georgia—in Atlanta, GA—in 2006 there were 63,000 housing permits. That was 2006, 4 years ago. This year, there were 5,300. That is a 90-percent reduction in new construction. Granted, we were in a hyper-economy in 2006 and, granted, overbuilding probably contributed to the decline of the economy later on, but a 90-percent reduction is unhealthy. If we continue to sustain that reduction, we will continue to sustain what is a difficult economic period now.

We need to be looking to the future. So my recommendations are, first, give us a platform of predictability by extending existing tax rates and not raising them in a recession. That is No. 1. Secondly, recognize there is no liquidity in mortgage money in the United States.

The longer we wait to address the question of what happens after Freddie and after Fannie, the longer the housing market will suffer. So I propose a solution for that problem in terms of housing finance. I don't think there is any question that Freddie and Fannie have to be wound down. They are in a conservatorship now. They have already cost us billions of dollars, and they will cost us billions more, which is why I worked hard to get them under the financial reregulation bill so we could peel back the layers of the onion and figure out what went wrong, but this body decided not to do that.

But whatever happens, we have to create a new entity, and whatever happens, it will have to look, in some ways, like Freddie and Fannie but in other ways remarkably different. But there has to be a solution. The long-term solution can't be a government-sponsored entity or an implied government guarantee. That is what imploded in terms of Freddie and Fannie. And the taxpayers of America don't want you or me pledging their future full faith and credit behind a mortgage entity just to provide mortgage money. By the same token, they want us to be leaders, to find a way to get from where we are now, with no liquidity, to where we need to be, and that is with good liquidity.

Here is my suggestion: we create a new entity to replace Freddie and Fannie—an entity that ends up having a government-implied sponsorship or guarantee, but over a 10-year period of time, it declines 10 percent a year to zero. During that same 10-year period of time, on every mortgage loan made in the United States, a fee will be attached to it at closing—maybe it is 50 basis points or half a percent, whatever it might be—that goes into a sinking fund. That sinking fund is walled off, and it grows over 10 years. As it grows, the government guarantee declines—for example, a 100 percent guarantee in the first year of the fund, 90 percent in the second year, 80 in the third, going

down to zero in 10 years. As that fund guarantee goes down, the fund builds up, so it becomes the backstop for another failure that may or may not happen in the future but one for which we have to plan.

This is not a new idea. There are not a lot of new ideas. In Great Britain, they have had Pool Re for years. That is the sinking fund they set up to handle catastrophic losses in terms of insurance. It has built up to be able to withstand the largest of catastrophic calls and has made their insurance system work very well.

We need to establish a way for the government to sponsor an entity that gets out of the guaranteeing business but gets into the building of liquidity business and becomes an entity that can supply mortgages in the United States because there is not one now and there will not be one in the future until we create an entity that gives a foundation for liquidity to come back to the housing market. So here we are, 30 days from the end of the year. We don't know what our taxes are going to be next year, and if we wanted to go buy a house, we wouldn't know where we would find the mortgage money.

This Senate can act and act quickly to make changes that see to it that jobs come back, and that is by extending the existing tax rates.

When we come back together next year, I look forward to working with my colleagues on the other side and my colleagues in the Senate to create a mortgage-sponsored entity that will work and begin to bring liquidity back to the housing market so that construction returns, jobs come back, and America recovers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

#### JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, 2 weeks ago, before the Thanksgiving Day recess, I urged Republicans and Democrats in the Senate to come together and take action to begin to end the vacancy crisis that is threatening our Federal courts. My call was not extreme nor radical nor partisan. I asked only that Senators follow the Golden Rule. Regrettably, that did not happen, and that is really too bad for the country.

There are now 38 judicial nominees being delayed who could be confirmed before we adjourn—38 judicial nominees who have had their hearings and whose qualifications are well established.

Two weeks ago, I asked the Republican leadership to treat President Obama's nominees as they would have those of a Republican President. I asked for nothing more than that we move forward together in the spirit that we teach our children from a young age by referring to a nearly universal rule of behavior that extends across most major religions and ethical behavior systems.

I urged adherence to the Golden Rule as a way to look forward and make progress. I had hoped that we could remember our shared values. That simple step would help us return to our Senate traditions and allow the Senate to better fulfill its responsibilities to the American people and the Federal judiciary.

Yesterday, I listened to my dear friend, the senior Senator from Connecticut, Mr. DODD. He gave a lesson similar to others I have heard from Senators over the years—it could have been said by Senators of either party—about why in the Senate we need to work together on certain shared issues. We have 300 million Americans, but only 100 of us have the privilege to serve in this body to represent all 300 million. Senators should certainly stand up for their political positions, but there are certain areas in which the American people expect us to come together. They certainly do not expect us to stall judicial nominations for the sake of stalling, especially nominations that have the strong support of both Republicans and Democrats and that come out of the Judiciary Committee unanimously.

Had we adhered to the Golden Rule, 16 of the judicial nominees being held hostage without a vote, who were each reported unanimously by all Republicans and Democrats on the Judiciary Committee, would have been confirmed before Thanksgiving. So too would an additional nominee supported by all but one of the committee's 19 members. They would be on the Federal bench and Federal judicial vacancies would have been reduced to less than 100. Instead, the across-the-board stalling of judicial nominations that I have been trying to end has continued. We have noncontroversial nominations being delayed and obstructed for no good reason. There is no good reason to hold up consideration for weeks and months of nominees reported without opposition from the Judiciary Committee. I have been urging since last year that these consensus nominees be considered promptly and confirmed. If Senators would merely follow the Golden Rule, that would have happened.

As the Senate recessed, the Washington Post and the Charlotte Observer each criticized the stalling of noncontroversial judicial nominees in editorials published the weekend of November 19. The Washington Post entitled its editorial "Unconscionable Delays for President Obama's Court Picks" and recognized that "even nominees without a whiff of opposition are being blocked" and concluded "the hold-up of nominees who have garnered unanimous, bipartisan support is particularly offensive." The Charlotte Observer entitled its editorial "Senate Must End Games, Confirm Strong N.C. Judges" and called what is going on "infantile political gamesmanship" and "partisan high jinks" in its comments about the delays in considering Judge Albert Diaz and Judge Catherine

Eagles. In an opinion column in *Politico*, a former judge appointed by a Democratic President and one appointed by a Republican joined together to call for the Senate to address the judicial vacancies crisis. They cited the use of “secret holds and filibusters to block the votes” and observed:

Fewer nominees have been confirmed during the Obama administration than at any time since President Richard Nixon was in office. These tactics are, as one senator noted, “delay for delay’s sake.” They are creating an unprecedented shortfall of judicial confirmations and, ultimately, a shortage of judges available to hear cases. For many Americans, this means justice is likely to be unnecessarily delayed—and often denied.

I will ask that copies of these pieces be printed in the *RECORD* at the end of my statement.

In addition to letters from the President of the United States, the Chief Judge of the United States Court of Appeals for the Ninth Circuit, the Chief Judge of the United States District Court for the District of Columbia, and the American Bar Association that I placed in the record with my statement on November 18, I have now received a copy of the November 19 letter to Senators REID and MCCONNELL from the Federal Bar Association that I will ask also be print in the *RECORD* at the conclusion of my statement.

The Federal Bar Association President notes that “the large number of judicial vacancies prevents the prompt and timely administration of justice” and that this “is causing unnecessary hardship and increased costs on individuals and businesses with lawsuits pending in the federal courts.” She also notes that seven of the judicial nominees who were reported with near unanimity but are being stalled would fill judicial emergency vacancies: Albert Diaz of North Carolina, Kimberly Mueller of California, Ray Lohier of New York, John Gibney of Virginia, Susan Nelson of Minnesota, Mary Murguia of Arizona and Charlton Reeves of Mississippi.

As of today there are 110 vacancies on the Federal courts around the country; 50 of them are for vacancies deemed judicial emergencies by the nonpartisan Administrative Office of the U.S. Courts. We already know of 20 future vacancies. In addition, the Senate has not acted on the request by the Judicial Conference of the United States to authorize 56 additional judges, which will allow the Federal judiciary to do its work. So we are currently more than 190 judges short of those needed. I urged, before the last Presidential election, that we pass legislation to create additional judgeships, but unfortunately it was blocked.

The vast majority of the President’s judicial nominees are consensus nominees and should be confirmed by large bipartisan majorities. Many of them will be confirmed unanimously. These are well-qualified nominees with the

support of their home State Senators, both Republicans and Democrats. I have not proceeded in the Judiciary Committee with a single nominee who is not supported by both home State Senators. I have worked with all Republican Senators to make sure they were included in this process. President Obama has worked hard with home State Senators regardless of party affiliation, and by doing so has done his part to restore comity to the process, as have I as chairman.

Regrettably, despite our efforts and the President’s selection of outstanding nominees, the Senate is not being allowed to promptly consider his consensus nominees. To the contrary, as the President has pointed out, nominees are being stalled who, if allowed to be considered, would receive unanimous or near unanimous support, be confirmed, and be serving in the administration of justice throughout the country.

We have had nominees on whom we have had to file cloture to get to a vote, then the rollcall vote is 100 to 0 or 99 to 0. This makes no sense. It breaks with every tradition in this body. I speak as one who has been here 36 years. There is only one Member of this body who served here longer than I have. I know both Republican and Democratic leaders and Republican and Democratic Presidents and we have never seen this happen. It is counterproductive.

Like the President, I welcome debate and a vote on those few nominees that some Republican Senators would oppose. Nominees like Benita Pearson of Ohio, William Martinez of Colorado, Louis Butler of Wisconsin, Edward Chen of California, John McConnell of Rhode Island, and Goodwin Liu of California. I have reviewed their records and considered their character, background and qualifications. I have heard the criticisms of the Republican Senators on the Judiciary Committee as they have voted against this handful of nominees. I disagree, and believe the Senate would vote, as I have, to confirm them. That they will not be conservative activist judges should not disqualify them from serving.

But that is not what is happening. Republican Senators are not debating the merits of those nominations, as Democratic Senators did when we opposed the most extreme handful of nominees of President Bush. What is happening is that judicial confirmations are being stalled virtually across the board.

What is new and particularly damaging is that 26 judicial nominees who were all reported unanimously by the Senate Judiciary Committee, without Republican opposition, are still being delayed. These nominees include Albert Diaz and Catherine Eagles of North Carolina. They are both supported by Senator HAGAN and Senator BURR. Sadly, Senator BURR’s support has not freed them from the across the board Republican hold on all judicial

nominees. Judge Diaz was reported unanimously in January, almost 12 months ago, and still waits for an agreement from the minority in order for the Senate to consider his nomination so that he may be confirmed.

Also being delayed for no good reason from joining the bench of the most overloaded Federal district in the country in the Eastern District of California is Kimberly Mueller, whose nomination was reported last May, more than seven months ago, without any opposition. Her nomination is one of four circuit and district nominations to positions in the Ninth Circuit currently on the Executive Calendar that Republicans are blocking from Senate consideration. In addition to the Liu and Chen nominations, the nomination of Mary Murguia from Arizona to the Ninth Circuit has been stalled since August despite the strong support of Senator KYL, the assistant Republican leader.

Justice Anthony Kennedy, a Republican nominated by a Republican President, spoke to the Ninth Circuit Judicial Conference about skyrocketing judicial vacancies in California and throughout the country. He said:

It’s important for the public to understand that the excellence of the federal judiciary is at risk.

He added:

If judicial excellence is cast upon a sea of congressional indifference, the rule of law is imperiled.

The Advisory Board of the Ninth Circuit sent a letter last week to the majority and minority leaders urging action on pending nominations to address the growing vacancy crisis in that circuit. The Board writes: “Allowing the current judicial vacancy crisis to continue and expand—as it inevitably will if nothing changes—is unacceptable. The current situation places unreasonable burdens on sitting judges and undermines the ability of our federal courts to serve the people and businesses of the Ninth Circuit.” I will ask that this letter be printed in the *RECORD* at the conclusion of my statement.

The District of Columbia suffers from four vacancies on its Federal District Court. We have four outstanding nominees who could help that court, but they are now being delayed. Beryl Howell was reported by the committee unanimously. She is well known to many of us from her 10 years of service as a counsel on the Senate Judiciary Committee. She is a decorated former Federal prosecutor and the child of a military family. Robert Wilkins was also reported without opposition. James Boasberg and Amy Jackson could have been reported before Thanksgiving, but were needlessly delayed in Committee for another 2 weeks.

John Gibney of Virginia, James Bedard and Ellen Hollander of Maryland, Susan Nelson of Minnesota, Edmond Chang of Illinois, Leslie

Kobayashi of Hawaii, and Denise Casper of Massachusetts are the other district court nominees reported unanimously from the Judiciary Committee and could have been confirmed as consensus nominees long ago.

Another district court nominee is Carlton Reeves of Mississippi, who is supported by Senator COCHRAN and is a former president of the Magnolia Bar Association. Only Senator COBURN asked to be recorded as opposing his nomination. I believe Mr. Reeves would receive a strong bipartisan majority vote for confirmation.

Counting Judge Diaz, there are seven consensus nominees to the circuit courts who are being stalled on the Senate Executive Calendar. Judge Ray Lohier of New York would fill one of the four current vacancies on the United States Court of Appeals for the Second Circuit. He is another former prosecutor with support from both sides of the aisle. His confirmation has been stalled for no good reason for more than 6 months, as well. Scott Matheson is a Utah nominee with the support of Senator HATCH who was reported without opposition. Mary Murguia is from Arizona and is supported by Senator KYL and was reported without opposition. Judge Kathleen O'Malley of Ohio, nominated to the Federal Circuit, was reported without opposition. Susan Carney of Connecticut was reported with 17 bipartisan votes by the Judiciary Committee to serve on the Second Circuit. James Graves of Mississippi was reported unanimously to serve on the Fifth Circuit.

Many of these nominees could have been considered and confirmed before the August recess. 23 of them could have been considered and confirmed before the October recess. They could and should have been confirmed before the Thanksgiving recess. They were not. They are being held in limbo. They do not know where their life should be at this point, and their courts are empty.

They were not considered because of Republican objections that, I suspect, have nothing to do with the qualifications or quality of these nominees. These are not judicial nominees whose judicial philosophy Republicans question. Most of them were voted for by every single Republican on the Senate Judiciary Committee.

The President noted, in his September letter to Senate leaders, that the "real harm of this political game-playing falls on the American people, who turn to the courts for justice," and that the unnecessary delay in considering these noncontroversial judicial nominations "is undermining the ability of our courts to deliver justice to those in need . . . from working mothers seeking timely compensation for their employment discrimination claims to communities hoping for swift punishment of perpetrators of crimes to small business owners seeking protection from unfair and anticompetitive practices."

I think the Senate should end this across-the-board blockade against confirming noncontroversial judicial nominees. Democrats did not engage in such a practice with President Bush, and Republicans should not continue in their practice any longer. With 110 vacancies plaguing the Federal courts, we do not have the luxury of indulging in these kinds of games.

The Senate is well behind the pace set by the Democratic majority in the Senate considering President Bush's nominations during his first 2 years in office. In fact, at the end of President Bush's second year in office, the Senate, with a Democratic majority, had confirmed 100 of his Federal circuit and district court nominations. I know because they all, every one of them, were considered and confirmed during the 17 months I chaired the Senate Judiciary Committee. Not a single nominee reported by the Judiciary Committee remained pending on the Senate's Executive Calendar at the end of the Congress.

In sharp contrast, during President Obama's first 2 years in office, the minority has allowed only 41 Federal circuit and district court nominees to be considered by the Senate. In fact, in 2002, we proceeded in the lameduck session after the election to confirm 20 more of President Bush's judicial nominees. There are 34 judicial nominees ready for Senate consideration and another 4 noncontroversial nominations on the committee's business agenda. That is 38 additional confirmations that could be easily achieved with a little cooperation from Republicans. That would increase the confirmation from the historically low level of 41 where it currently stands, to almost 80. That would be in the range of judicial confirmations during President George H.W. Bush's first 2 years, 70, while resting below President Reagan's first 2 years, 87, and pale in comparison to the 100 confirmed in the first 2 years of the George W. Bush administration or those confirmed during President Clinton's first 2 years, 127.

During the 17 months I chaired the Judiciary Committee during President Bush's first 2 years, I scheduled 26 hearings for the judicial nominees of a Republican President and the Judiciary Committee worked diligently to consider them. During the 2 years of the Obama administration, I have tried to maintain that same approach. The committee held 25 hearings for President Obama's Federal circuit and district court nominees this Congress. I have not altered my approach and neither have Senate Democrats.

One thing that has changed is that we now receive the paperwork on the nominations, the nominee's completed questionnaire, the confidential background investigation and the America Bar Association, ABA, peer review almost immediately after a nomination is made, allowing us to proceed to hearings more quickly. During 2001 and 2002, President Bush abandoned the

procedure that President Eisenhower had adopted and that had been used by President George H.W. Bush, President Reagan and all Presidents for more than 50 years. Instead, President George W. Bush delayed the start of the ABA peer review process until after the nomination was sent to the Senate. That added weeks and months to the timeline in which hearings were able to be scheduled on nominations.

I was puzzled to hear the ranking Republican on the Senate Judiciary Committee say a few weeks ago that "President Obama's nominees have fared better and moved better than President Bush's nominees." I have worked with the ranking Republican in connection with our consideration and confirmation of the President's two nominees to the Supreme Court, Justice Sotomayor and Justice Kagan. He opposed both, but agreed that the process was fair. I have worked with him on procedures to consider the President's other nominees and with some exceptions we have been able to have the Judiciary Committee consider and report them. In terms of comparisons, however, we actually reviewed far more of President Bush's nominees during his first 2 years than we have been allowed to consider during President Obama's first 2 years.

The comparison is that I held 26 hearings for 103 of President Bush's Federal circuit and district court nominees and the committee favorably reported 100 of them. All 100 were confirmed by the Senate. We did that in 17 months. By comparison, during the 19 months the committee has been holding hearings on President Obama's Federal circuit and district court nominees, we have held 25 hearings for 80 nominees. Of the 75 favorably reported, only 41 have been considered by the Senate. Several required cloture petitions and votes to end unsuccessful Republican filibusters. There were no Democratic filibusters of President Bush's nominees during the first 2 years of his Presidency.

In sum, the bottom line is that the Senate has been allowed to consider and confirm less than half of the Federal circuit and district court nominees we proceeded to confirm during President Bush's first 2 years. Forty-one confirmations does not equal or exceed the 100 confirmations we achieved during the first 2 years of the Bush administration. For that matter, the 75 Federal circuit and district court nominees voted on and favorably reported on by the Senate Judiciary Committee does not equal the 100 we reported out in less time during the Bush administration. How the ranking Republican can contend that President Obama's nominees "have fared better and moved faster than President Bush's nominees" during their first 2 years in office is beyond me.

When I became chairman of the Senate Judiciary Committee midway through President Bush's first tumultuous year in office, I worked hard to

make sure Senate Democrats did not perpetuate the judge wars as a tit-for-tat. Despite the fact that Senate Republicans pocket-filibustered more than 60 of President Clinton's judicial nominations and refused to proceed on them while judicial vacancies skyrocketed during the Clinton administration, in 2001 and 2002, during the 17 months I chaired the committee during President Bush's first 2 years in office, the Senate proceeded to confirm 100 of his judicial nominees.

This chart shows where we were. President Clinton became president and in the first couple of years we went from the 109 vacancies down to 49. Then the Republicans took over, they started pocket-filibustering, and the vacancies went up to 110.

Democrats were in charge for 17 months with a Republican President. We said we were not going to play the games that they did with President Clinton. We brought judicial vacancies down to 60 under President Bush. We actually moved judges faster for President Bush than the Republicans did when they regained control of the Senate.

Towards the end of President Bush's presidency, we got the vacancies down to 34. However, since President Obama has been in power, confirmations have been held up, and vacancies again reached 110. That might sound good in some kind of fund-raising letter. It doesn't sound good if you are the one trying to have your case heard in a court. It does not sound very good if you are the prosecutor and you want a criminal prosecuted and the judge is not there.

What I cannot understand is why, having worked with President Bush to bring the Federal court vacancies down from 110 to 34, and the Federal circuit vacancies which were at a high of 32, down to single digits, judges are still being blocked. It looks like old habits die hard.

By refusing to proceed on President Clinton's nominations while judicial vacancies skyrocketed during the 6 years they controlled the pace of nominations, Senate Republicans allowed vacancies to rise to more than 110 by the end of the Clinton administration. As a result of their strategy, Federal circuit court vacancies doubled. When Democrats regained the Senate majority halfway into President Bush's first year in office, we turned away from these bad practices. As a result, overall judicial vacancies were reduced during the Bush years from more than 10 percent to less than 4 percent. During the Bush years, the Federal court vacancies were reduced from 110 to 34 and Federal circuit court vacancies were reduced from a high of 32 down to single digits.

This progress has not continued with a Democratic President back in office. Instead, Senate Republicans are returning to the strategy they used during the Clinton administration of blocking the nominations of a Demo-

cratic President, again leading to skyrocketing vacancies.

Last year, the Senate confirmed only 12 Federal circuit and district court judges, the lowest total in 50 years. The judiciary is not supposed to be political or politicized. When litigants are in a Federal court, they assume they will get impartial justice, regardless of whether they are a Republican or a Democrat. But this kind of game playing, of holding up nominees of a Democratic President, hurts the whole administration of justice.

This year we have yet to confirm 30 Federal circuit and district judges. We are not even keeping up with retirements and attrition. As a result, judicial vacancies are again at 110, more than 10 percent.

There are also the personal consequences. We have highly qualified people who get nominated for the Federal court, with backing from the Republican and Democratic Senators from their State. They are in a law practice, and everybody congratulates them. However, their firms are limited in what cases they can take if the nominee stays on, and they end up in limbo.

Many of those people are taking a huge cut in pay to go on the Federal bench. Suddenly, they are forced to wait for 6, 7, 8 months, without being able to earn anything. Then eventually they are confirmed 100 to 0. This needs to change.

Regrettably, the Senate is not being allowed to consider the consensus, mainstream judicial nominees favorably reported from the Judiciary Committee. It has taken nearly five times as long to consider President Obama's judicial nominations as it did to consider President Bush's during his first 2 years in office. During the first 2 years of the Bush administration, the 100 judges confirmed were considered by the Senate an average of 25 days from being reported by the Judiciary Committee. The average time for confirmed circuit court nominees was 26 days. By contrast, the average time for the 41 Federal circuit and district court judges confirmed since President Obama took office is 90 days and the average time for circuit nominees is 148 days—and that disparity is increasing.

Mr. President, I ask unanimous consent that the materials to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 19, 2010]

UNCONSCIONABLE DELAYS FOR PRESIDENT OBAMA'S COURT PICKS

Mary Helen Murguia enjoys the support of her two Republican home state senators, Jon Kyl and John McCain of Arizona. The Senate Judiciary Committee unanimously approved her nomination in August. Yet Ms. Murguia, President Obama's pick for a seat on the U.S. Court of Appeals for the 9th Circuit, has yet to receive a full vote on the Senate floor.

Albert Diaz, a 4th Circuit nominee, has waited even longer—nearly one year—for his

floor vote after receiving a thumbs-up from all 19 of the Judiciary Committee's members and winning the backing of his Republican home state senator, North Carolina's Richard Burr.

Even trial court nominees—typically not the target of stall tactics or intense attacks—are getting caught up in the perplexing political game. Kimberly J. Mueller, for example, also earned unanimous approval from the Judiciary Committee for a California trial court that is among the busiest in the country; she has spent the past six months waiting for final approval.

In all, 23 of Mr. Obama's nominees are awaiting a Senate floor vote; 16 of them received unanimous approval from the Judiciary Committee and the vast majority were deemed "well qualified" by the American Bar Association. Eight—including the three mentioned above—have been tapped for seats designated "judicial emergencies" because of the length of the vacancy and the workload of the court.

There is plenty of blame to go around for the delays, starting with the president, who has been slow and often late in sending up names. The White House has also been timid in fighting for nominees. Senate Majority Leader Harry M. Reid (D-Nev.) has not been assertive in scheduling floor votes, and the push by some interest groups to win confirmation for liberal favorites such as controversial 9th Circuit pick Goodwin Liu may be holding up progress on the broader slate of more moderate nominees. Republicans, including Minority Leader Mitch McConnell (Ky.), have been all too eager to object to votes even on nominees with bipartisan support. The stall tactics are undoubtedly payback for Democratic filibusters of controversial but highly qualified nominees of President George W. Bush. The difference today is that even nominees without a whiff of opposition are being blocked.

Presidents deserve significant deference in judicial nominations, and every nominee deserves an up-or-down vote. But the hold-up of nominees who have garnered unanimous, bipartisan support is particularly offensive. These nominees should be confirmed swiftly before Congress recesses next month.

[From the Charlotte Observer, Nov. 21, 2010]  
SENATE MUST END GAMES, CONFIRM STRONG N.C. JUDGES; CONGRESS' FAILURE TO APPROVE DIAZ, EAGLES IS SHAMEFUL

So here we are, 297 days after the Senate Judiciary Committee unanimously—unanimously!—recommended Judge Albert Diaz of Charlotte for a seat on the federal appeals court. Thanks to infantile political gamesmanship, the Senate still has not confirmed him. And so a judge that most everyone agrees is well-qualified languishes in limbo and a busy court one step below the U.S. Supreme Court remains in a staffing crisis.

Time is running out on the Senate to do the right thing. If it does not confirm Diaz in the current lame duck session, his nomination expires. That would be an ignominious chapter for that once-august body. Facing the same fate: Catherine Eagles of Greensboro, another qualified, non-controversial nominee who in May easily won the Judiciary Committee's approval for a federal judgeship in North Carolina.

Diaz and Eagles are among a couple dozen capable judges whose careers are being hamstrung by partisan high jinks. The whole farce helps explain why the public is disgusted with how Congress operates these days. Many members put party before country.

Democrats and Republicans alike have blocked skilled judicial nominees over the years, particularly in North Carolina. Today,



each party claims that the other is to blame for the current impasse. It appears, though, that Sen. Mitch McConnell, R-Ky., is the biggest impediment.

Republican Sen. Richard Burr and Democratic Sen. Kay Hagan both support Diaz and Eagles. Burr should publicly and privately work to persuade McConnell to permit up-or-down votes on these nominees, without a paralyzing 30 hours of debate on each and every one of them.

This all matters because dozens of seats have reached a level of "judicial emergency," according to the Administrative Office of the U.S. Courts, meaning the workload is unsustainable and judges are needed. That includes the 4th U.S. Circuit Court of Appeals in Richmond, Va. North Carolina is the largest of five states in the circuit but until recently had only one of its three seats on the bench filled.

Diaz, a special Superior Court judge specializing in complex business litigation, is trying to fill a seat that has been vacant for three and a half years. Eagles, a senior resident Superior Court judge, would fill a judgeship that has been vacant for nearly two years. Both received the highest rating from the American Bar Association—"unanimously well qualified."

McConnell recently reversed his position on earmarks. If he has any sense, he'll now reverse himself on blocking qualified judges this state and the nation need.

[From the Politico, Nov. 18, 2010]

#### LET'S FIX JUDICIAL NOMINEE PROCESS

(By: Abner J. Mikva and Timothy Lewis)

When the Senate left for the election recess, it had confirmed just one of the 48 pending judicial nominees. Its failure to consider nominations has exacerbated a vacancy crisis for our federal courts that has reached critical proportions.

Almost one in eight seats on the federal bench is empty and has been for months. This grave problem is only likely to worsen as more judges retire and senators block efforts to appoint new ones.

As federal judges appointed by presidents from different parties, we urge the Senate to end the excessive politicization of the confirmation process that is creating these delays.

This obstruction and the way it undermines our democratic process would be outrageous at any time. But it is especially shameful now, because many of these qualified nominees received bipartisan support when nominated and were then approved by the Senate Judiciary Committee with broad support. Yet they have waited more than a year to be confirmed because the Senate never put their nomination to a vote.

Instead of confirming these nominees, some senators have used secret holds and filibusters to block the votes, leaving nominees in limbo for a year or more and undermining the credibility of our judiciary. Fewer nominees have been confirmed during the Obama administration than at any time since President Richard Nixon was in office.

These tactics are, as one senator noted, "delay for delay's sake." They are creating an unprecedented shortfall of judicial confirmations and, ultimately, a shortage of judges available to hear cases. For many Americans, this means justice is likely to be unnecessarily delayed—and often denied.

There are now 106 vacancies on the federal courts, almost half deemed so debilitating that they are labeled "emergencies" by the Administrative Office of the U.S. Courts. An additional six seats are slated to become vacant in the next few months. This is untenable for a country that believes in the rule of law.

An increasing number of public officials are now speaking out. President Barack Obama called on the Senate to "stop playing games" with the judicial nominations process. Supreme Court Justices Anthony Kennedy and Ruth Bader Ginsburg each independently criticized the partisanship that has permeated the confirmation process. Several other former federal judges joined us in writing a letter to Senate leaders, expressing our dismay and calling for a better confirmation process.

With the Senate now back for the lame-duck session, political pressure on nominations may not be so intense. This is the time for the Senate to return to an effective process for confirming judges—one that can eliminate the appearance of excessive partisanship and apply to both Democratic and Republican administrations.

Only in this way can we begin to restore the public's faith in the integrity of our judiciary, a crucial element of our Constitution's delicate system of checks and balances and fundamental to our democratic system of government.

FEDERAL BAR ASSOCIATION,  
OFFICE OF THE PRESIDENT,  
New Orleans, LA, November 19, 2010.

Hon. HARRY REID,

*Majority Leader, U.S. Senate, The Capitol, Washington, DC.*

Hon. MITCH MCCONNELL,

*Minority Leader, U.S. Senate, The Capitol, Washington, DC.*

DEAR MAJORITY LEADER REID AND MINORITY LEADER MCCONNELL: I write on behalf of the approximately sixteen thousand members of the Federal Bar Association (FBA) to encourage expedient Senate floor action on the judicial candidates reported out of the Senate Judiciary Committee and awaiting a Senate floor vote. As the Senate reconvenes, there is a very real need—in the interest of our federal court system—for the Senate to fulfill its constitutional responsibility to vote on these pending nominees.

The FBA is the foremost national association of private and public attorneys engaged in the practice of law before the federal courts and federal agencies. We seek the fair and swift administration of justice for all litigants in the federal courts. We want to assure that the federal courts are operating at their full, authorized capacity and that justice is timely delivered by the federal courts. The large number of judicial vacancies prevents the prompt and timely administration of justice in the federal courts. This is causing unnecessary hardship and increased costs on individuals and businesses with lawsuits pending in the federal courts.

Our Association's interest is focused upon prompt, dispositive action by the Senate in filling vacancies as they arise on the federal bench. Prompt, dispositive action by the Senate on judicial candidates will assure that lawsuits filed in our federal courts are heard and decided without delay. The justice system suffers when vacancies are not filled in a timely manner. Vacancies create a burden of added litigation and economic costs that at times overwhelm the system and its ability to hear and decide matters in a timely and effective manner.

Seventeen of the 23 federal judicial candidates who await a Senate floor vote have been approved by the Senate Judiciary Committee by unanimous consent or without controversy. These candidates deserve an up-or-down vote before the 111th Congress reaches an end.

In particular, 7 of these 17 noncontroversial judicial candidates cleared by the Senate Judiciary Committee have been nominated to circuit and district court judgeships that have stood vacant for substantial peri-

ods of time and are associated with courts with especially high caseloads. These vacancies have been designated as "judicial emergencies" by the Judicial Conference, the policy-making body of the federal judiciary, because each vacancy has existed for a significant period of time and is associated with a court that has caseloads that are considerably higher than normal.

The 7 candidates associated with judicial vacancies that have been designated as "judicial emergencies" are:

Albert Diaz, nominated to the Fourth Circuit Court of Appeals (North Carolina), to the judgeship vacated by Judge William Wilkins on July 1, 2007; this vacancy has existed for 1237 days.

Kimberly Mueller, nominated to the Eastern District of California, to the judgeship vacated by Judge Frank C. Damrell on January 1, 2009; this vacancy has existed for 1091 days and is located in the federal district court with the highest caseload in the nation.

Raymond Lohier, nominated to the Second Circuit Court of Appeals (New York), to the judgeship vacated by Justice Sonia Sotomayor on August 6, 2009; this vacancy has existed for 470 days.

John A. Gibney, nominated to the Eastern District of Virginia, to the judgeship vacated by Judge Robert E. Payne on May 7, 2007; this vacancy has existed for 1293 days.

Susan R. Nelson, nominated to the District Court of Minnesota, to the judgeship vacated by Judge James R. Rosenbaum on October 26, 2009; this vacancy has existed for 389 days.

Mary H. Murguia, nominated to the Ninth Circuit Court of Appeals (Arizona), to the judgeship vacated by Judge Michael Daly Hawkins on February 12, 2010; this vacancy has existed for 280 days.

Carlton W. Reeves, nominated to the Southern District Court of Mississippi, to the judgeship vacated by Judge William Henry Barbour, Jr. on February 4, 2006; this vacancy has existed for 1748 days, the longest period of any of these seven candidates.

The Federal Bar Association as a matter of policy takes no position on the credentials or qualifications of specific nominees to the federal bench. The FBA's foremost interest lies in the assurance of prompt, dispositive action by the President in nominating qualified federal judicial candidates and the Senate in either confirming or not confirming them in a prompt manner. Such action will ultimately reduce the number of vacancies to a more tolerable level.

The Federal Bar Association firmly believes that all judicial candidates, once cleared by the Senate Judiciary Committee, deserve a prompt up-or-down vote by the Senate. Swift action is particularly needed on those candidates associated with federal circuit and district courts whose caseloads are in emergency status. We urge the Senate to vote upon these pending nominees before the end of the current legislative session.

Thank you for your support of the nation's federal court system and your consideration of our views.

Sincerely yours,

ASHLEY L. BELLEAU.

ADVISORY BOARD OF THE NINTH CIRCUIT,  
November 24, 2010.

Hon. HARRY REID,

*Majority Leader, U.S. Senate, Washington, DC.*

Hon. MITCH MCCONNELL,

*Minority Leader, U.S. Senate, Washington, DC.*

DEAR SENATORS REID AND MCCONNELL: We write to you as members of the Advisory Board of the Ninth Circuit to seek your assistance and commitment to solve a growing—and increasingly urgent—crisis facing the federal courts of the Ninth Circuit: the ever expanding number of vacancies on both

our district and appellate courts. This growing crisis threatens the effective delivery of justice to the people and businesses who come before our federal courts.

We recognize that you cannot solve this problem alone. The President must select and submit to the Senate for review nominees to fill these vacancies. Consequently, we are seeking the assistance and commitment of the President to address this crisis as well.

It is no exaggeration to call the growing number of judicial vacancies on our federal courts a crisis. Between 1981 and 2008, there were on average 48 vacancies each year for all of the lower federal courts, including vacancies created by two bills expanding the number of federal judges. Over this same period, the nomination and confirmation process filled only 43 vacancies on average each year, causing the vacancy rate to more than double in the last 30 years. In the Ninth Circuit, the number of vacancies has doubled in the last 22 months.

This fact alone would signal a serious problem but the situation is very likely to get worse. Over the next decade, the number of vacancies on the lower federal courts is likely to increase because of the age of current judges and the need to expand the judiciary to keep up with caseload growth. The Justice Department has estimated that annual vacancies over the coming decade will average closer to 60 positions each year. In the last two years, however, only 41 federal judges have been nominated and confirmed to the federal district and appellate courts nationwide. Unless something changes quickly and dramatically, at the end of the coming decade, half the seats on the lower federal courts could be empty.

The Ninth Circuit is fully immersed in this growing crisis. There are currently 18 vacancies among the 142 authorized appellate and district court Article III judges in the Circuit. The President has forwarded to the Senate nominations for ten of these vacancies but the Senate has yet to act on them. While the Senate has confirmed seven nominees to vacancies within the Circuit since January 1, 2009, seven have been pending without a confirmation vote for more than 120 days and three of these have been voted out of the Senate Judiciary Committee and forwarded to the full Senate for action with little or no Committee opposition.

As you know, our federal judiciary at all levels is a beacon of justice across the country and around the world. The judges who sit on our federal courts are dedicated to their jobs and committed to both the rule of law and the ideal of justice for all. Allowing the current judicial vacancy crisis to continue and expand—as it inevitably will if nothing changes—is unacceptable. The current situation places unreasonable burdens on sitting judges and undermines the ability of our federal courts to serve the people and businesses of the Ninth Circuit.

We recognize that both the President's role in nominating individuals to serve as federal judges and the Senate's role in reviewing and determining whether to confirm those nominees are solemn and serious duties. The health and integrity of an entire branch of our government depends on the faithful and careful execution of these duties. We believe, however, that a crisis in one of our branches of government also demands swift, effective, and appropriate action from the coordinate branches. According to the Library of Congress, from 1977 to 2003, the average time from nomination to confirmation for lower federal court judges was less than 90 days. Current vacancies nationwide have been pending for an unsustainable 516 days. On average, the vacancies filled by the 41 judges confirmed during the 111th Congress were

pending 803 days from vacancy creation to confirmation. We can and must do better.

For this reason, we ask you to make a commitment to a confirmation vote in the Senate for each judicial nominee within no more than 120 days after the Senate receives a nomination from the President. We will make a similar request of the President to forward nominations to the Senate within no more than 120 days after the President learns of a judicial vacancy. While Congress will ultimately need to pass legislation to expand the federal judiciary, filling the current vacancies in a more timely manner will do much to alleviate the immediate crisis and improve the delivery of judicial services to those who come before the federal courts.

We are convinced that with your leadership and that of the President we can solve the vacancy crisis facing our federal courts. We urge you to make a clear and open commitment to address the vacancy crisis in the Ninth Circuit as expeditiously as possible. Thank you for your consideration of this request.

Sincerely,

Todd D. True (Chair), Seattle, WA; Steve Cochran (Past-Chair), Los Angeles, CA; Robert A. Goodin, San Francisco, CA; Margaret C. Toledo, Sacramento, CA; Janet L. Chubb, Reno, NV; Miriam A. Vogel, Los Angeles, CA; Robert S. Brewer, Jr., San Diego, CA; Eric M. George, Los Angeles, CA; William H. Neukom, San Francisco, CA; Norman C. Hile, Sacramento, CA; Harvey I. Saferstein, Los Angeles, CA; Dana L. Christensen, Kalispell, MT; Robert C. Bundy, Anchorage, AK.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 3:30 p.m.

Thereupon, the Senate, at 12:31 p.m., recessed until 3:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. MERKLEY).

Mr. BROWN of Ohio. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### UNANIMOUS-CONSENT REQUESTS

Mr. BROWN of Ohio. Mr. President, I will in a moment—in the spirit of fair play, we are waiting for some Republicans to enter the Chamber—I will ask unanimous consent that the Finance Committee be discharged from S. 3981 so we can bring up and move forward on maintaining unemployment benefits for thousands of people. In my State alone, last night at midnight, 88,000—that is 1,000 people in every county; we have 88 counties in Ohio—Ohioans saw their unemployment benefits stopped because my colleagues on the other side of the aisle do not want to maintain unemployment benefits. What is shocking to me is that this Senate and the House of Representatives, regardless of party, for years, when our coun-

try has been in bad economic times, have maintained unemployment benefits for laid-off workers.

Senator MCCONNELL, the Republican leader, has made a couple comments that disturb me and make it very hard to do this. We need a supermajority. We need 60 votes. They continue to filibuster or threaten to filibuster. Senator MCCONNELL has made two statements, one through a letter in the last 24 hours and one 3 or 4 weeks ago when he said his No. 1 goal is that Barack Obama be a one-term President. I understand political parties, but his No. 1 goal is that President Obama serve only one term? Minority Leader MCCONNELL, in a letter signed by all his Republican colleagues, which was sent to Senator REID, signed by every Republican, said:

We write to inform you we will not agree to invoke cloture on the motion to proceed on any legislative item until the Senate has acted to fund the government and we have prevented the tax increases that currently will happen in January.

What the Republicans are doing, I don't even understand it. They are saying they insist on a millionaire and billionaire tax cut come January, and they will, for all intents and purposes, shut down the government if they don't get their way. They are saying: Forget extending unemployment benefits, forget food safety legislation, forget don't ask, don't tell, forget the Russian-American START treaty—it used to be that politics ended at the water's edge; those days are over—and forget a middle-class tax cut. They are saying: We will shut down the government if we can't get a tax cut for billionaires and millionaires. My first priority is extending unemployment benefits to the 60 or 70,000 Michiganders; perhaps from the State of Senator SCHUMER, I would guess over 100,000 New Yorkers; from New Mexico, I would guess probably 10,000; and Alaska, thousands in that State. They are willing to say to those unemployed workers—and this is not unemployment welfare; this is unemployment insurance. Every worker in the State, he or his employer—academicians will debate whether the employee or employer actually pays it, but they put into the unemployment insurance fund. When they are laid off, they get money out of the fund. It is similar to health insurance or car insurance. You don't want to collect on it, but it is called insurance. You hope you are working so you don't have to collect on it, but they need to.

There are five people applying for every open job, on average. In Michigan and Ohio, it is probably worse than that. These are not people sitting around with nothing to do, not wanting to work. I will not do this today, but I have read letter after letter from Ohioans saying: Here is my story. I have lost my medical coverage because I don't have a job, and you are cutting off my unemployment benefits—"you" meaning the Republican filibuster.

They will say: I am about to lose my house, and I have to tell my 12-year-old daughter we will have to switch schools, and I don't even know what school we will go to because we are going to live in an apartment somewhere else because the house is foreclosed on. They are now going to the food bank they used to give money to.

Do my Republican colleagues know any of these people? Do they go out and talk to people who have lost their jobs and have to explain to their families that they will lose their house and explain to the wife that their insurance has been canceled because they will not extend unemployment benefits? This is not a big, new welfare program. This is extending unemployment benefits. I just don't get it. They would rather do tax cuts for millionaires and billionaires. They would rather borrow \$700 billion from the Chinese, put it on a credit card that their kids and grandkids will have to pay off, and then give it to billionaires and millionaires. That is the choice they are making.

It is clear whose side people are on here. Are you on the side of maintaining unemployment benefits or are you on the side of millionaires and billionaires? Are you for giving a tax cut to the middle class, moving to pay down the budget deficit? It is so clear what we need to do.

My colleagues still aren't here to make the request. I will add a few more comments.

The other reason to maintain unemployment benefits is all economics. Senator McCain, when he was a candidate, his chief economic adviser said the best way to grow the economy, the best stimulus dollar you can spend is unemployment insurance. Because when you put a dollar in a laid-off worker's pocket from Lima or Zaynesville, she will spend it at the local grocery store, the local shoe store, to pay property tax, to pay the gas bill, whatever.

That money is recycled in the economy. You give a tax cut to upper income people—a millionaire or billionaire—according to JOHN MCCAIN's economic adviser, you only get a 32-cent bang for your buck out of that versus \$1.60 when you extend unemployment benefits, when you pay unemployment benefits. What that means clearly is the best thing to do for our economy is these unemployment benefits, not tax cuts for somebody already making \$3 million a year. They are not going to buy anything more. They already have what they need. To give them another \$30,000 or \$50,000 in tax cuts simply does not mean anything.

It is so important for purposes of the budget deficit, it is so important for purposes of growing this economy, and it is so important because it is the right thing to do for our workers, our laid off people, our communities that suffer if these workers are not spending these dollars in our communities. It is just so important that we move forward and do that.

Mr. President, I will yield the floor for one of my colleagues who has another unanimous-consent request.

Mr. SCHUMER. Mr. President, before my colleague sits down, would he yield for a question?

Mr. BROWN of Ohio. Yes.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I thank you, Mr. President.

The beginning of this letter, signed by 42 of our Republican colleagues, says:

The Nation's unemployment level, stuck near 10 percent, is unacceptable to Americans.

I just want to clarify what my colleague is saying. We will all be talking about this. It is more important to the people on the other side of the aisle to get tax breaks for millionaires and billionaires than move forward on unemployment insurance. We are going to ask unanimous consent on that proposal and on other proposals which we will hear from.

But is my colleague basically saying, despite the fact that our colleagues admit unemployment is high—many are out of work—their solution to unemployment and people looking for jobs is to give tax breaks to people who are making millions and billions of dollars and people who did very well over the last decade—the only group? Is that basically it?

Mr. BROWN of Ohio. Yes, that is it. To illustrate that further to Senator SCHUMER and to the Presiding Officer, as to the last two big tax cuts that were done in this country for the wealthy—in 2003 by President Bush, in 2001 by President Bush—we know what happened from those two tax cuts. In the 8 years of President Bush, the hallmark of his economic policy was two major tax cuts for the wealthy, and there was a 1 million job increase in those 8 years during George Bush's Presidency—a million jobs—not even a net increase, not even enough to keep up with people coming out of the Army or coming out of college or high school.

During the Clinton years, where they had a mix of tax cuts, some increases for higher income people, and they balanced the budget, did some budget cuts that Senator McCaskill supports—some of those—we ended up during President Clinton's 8 years with a 22 million job increase. There was a 22 million job increase by managing the budget right and giving assistance to middle-class people.

In the Bush 8 years, with tax cuts for the wealthy: 1 million jobs. Yet Republicans now are arguing that the most important thing, possibly, to do for the economy, the most important thing to do for our country, is to reward the people who have already done very well in the last 10 years, at the expense of the broad middle class who have seen basically stagnant wages or worse during this decade.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I will be very brief.

We are here on the Senate floor, and we will be staying on the Senate floor for a little while to make one point. I would say this to the American people: We have an economy that needs improvement, and our colleagues have said they will not let anything happen, whether it be tax credits for employers who hire the unemployed, which I am talking about, help for the energy industry, tax credits to help manufacturers hire people, or unemployment insurance. All of those will be put on hold until we give tax breaks to the millionaires and billionaires who—God bless them—are wonderful. They are part of the American dream. But they are the one group that has done well. It seems to me, as we will talk about for the next little while, it is absolutely absurd to say that should be the linchpin of our economic policy.

We will ask unanimous consent to bring forth proposals that we think will do far more to get people back to work and help the middle class stretch the paycheck than giving tax breaks to the billionaires.

I yield the floor because I know my colleague wishes to speak.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, just to follow with my colleagues—and I so appreciate the Senator from Ohio and his comments regarding what is happening to people who have lost jobs through no fault of their own—five people at least are looking for every one job that is available. There is a critical urgency families feel. I thank the Senator from New York for his passion as well as my other colleagues.

Let me take a moment to emphasize what we are talking about. The Republicans—and they have now done through a letter to the leader—are basically saying they are willing to risk everything—everything—to give a bonus tax cut—as my friend and colleague from Alaska talks about, not a tax cut. Everyone is going to get a tax cut on their first \$250,000 of income. They want a bonus tax cut on millionaires and billionaires that for the average millionaire will be about \$100,000 next year, which is more than the average person in Michigan makes in a year. So they are willing to shut this place down and risk everything in order to be able to get a bonus tax cut for millionaires and billionaires.

What does that mean? Well, they are willing to risk the deficit. They say we cannot help people who are out of work because it will cost \$50 billion unless it is totally paid for. But \$700 billion for their wealthiest friends and supporters is OK. So they will risk the deficit.

They will risk jobs. Where are the jobs? We have had 10 years of this policy, 10 years of this policy of tax cuts at the top waiting for it to trickle down. They think we just have not waited long enough. Folks in Michigan

have waited far too long for it to trickle down. We are tired of waiting. We want a proposal that works.

I will put forward a unanimous-consent request on something that has worked, an advanced manufacturing tax credit that has allowed now a number of businesses—I think over 12 businesses—to open in Michigan with clean energy manufacturing, stamped “Made in America.” In fact, we want to see “Made in Michigan” stamped on everything. We need to extend this tax credit because it is putting people back to work in Michigan and across the country. I will be making that unanimous consent request in just a moment. But they are willing to risk jobs, go home without focusing on jobs.

They are willing to hold tax cuts for middle-class families and small businesses hostage for a tax cut for a few people at the top. We will not be lectured by them about small business, by a group of folks who have filibustered 16 different tax cuts for small businesses in this Congress—16 different tax cuts—including 8 tax cuts for small businesses in the small business jobs bill that added capital for small businesses last fall. So, believe me, we are here for small business as well as middle-class families.

Social Security and Medicare: The debt commission is coming out with very serious recommendations that are focused on Social Security and Medicare. They are willing to risk that by adding more to the debt. Does that mean more changes to Social Security and Medicare?

Then, finally, help for people who are out of work: They are willing to say our country, our great country, is not good enough, is not strong enough to step up when our families need it the most—families who never before in their lives have needed help. For the families in my State, the average person is 50, 55, 60 years old, who has worked all their life and never dreamed they would find themselves in this situation. But here they are, through no fault of their own.

Now, in this holiday season, when we are asking that we just extend the regular program, not even dealing with the long-term unemployed, which is also what I want to do, but to extend the regular program so the person who today loses their job gets the same kind of opportunity to get help as the person who lost their job on Monday, because today over 100,000 people in Michigan are going to lose the opportunity to get any kind of temporary help because they lost their job.

So our colleagues have set their priorities, big letters, tax cuts for millionaires and billionaires. They do not want us to do anything else until that gets done. We have a different set of priorities on behalf of American families, middle-class families, small businesses, people who need help right now.

I am going to yield the floor at the moment, but I am going to be happy to have a unanimous consent request re-

garding a very effective jobs tax credit that we could pass today and get going and get people back to work.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Alaska.

Mr. BEGICH. Mr. President, thank you very much.

Earlier today I spoke on the Senate floor and talked about how the economy is fragile but going in the right direction and how many of us on this side of the aisle—as a matter of fact, all of us on this side of the aisle—took a lonely road over the last 2 years on some controversial issues that the public sees as controversial, but we knew we had to do something—something—to get this economy moving, and we are now seeing the benefits.

Every time I open—I do not care if it is the Wall Street Journal, Business Week—you name the business magazine or newspaper—which are not the liberal magazines; they are very conservative magazines and newspapers, or on the Internet—they will show you statistic after statistic that we are moving in the right direction. For this last month, I think it is 92,000 new jobs the private sector created. But in order to do it, we need to do some more.

I am a little frustrated by the letter. I also have a unanimous consent request that I hope to be able to bring up on HUBZones and to amend the Small Business Act. It is the idea of rebuilding local small businesses. What amazes me about this letter is it seems as though for some reason we can only do one thing at a time in this place.

Now, I come from local government where, as a mayor, we had to do multiple tasks because we always had many of them on the table. It did not matter whether it was public safety or creating jobs or rebuilding a neighborhood or working with the community, we had to do multiple things.

This country has multiple issues in front of it. We have an important START treaty that needs to be done. I am a member of the Armed Services Committee. Our national security is at risk, but for some reason the other side wants to wait until we give—I am not even going to call it a tax cut. I call it a bonus for the millionaires and billionaires. It is a bonus. It is not a tax cut. It is a bonus they want to give, \$700 billion of money we do not have. We cannot afford it. The working class of this country cannot afford it. The middle class cannot afford it. My son cannot afford it. My son's future kids cannot afford it—\$700 billion of more debt to give a bonus to the people who drove our economy into the ditch. I do not really get it.

It seemed as though when I came here there was going to be a logical thought process, great debate. Once again, we are down here. Nothing on the other side. They will come out. I know they will have their charts and one-liners about how the economy will fall if we do not give millionaires and billionaires another tax break or bonus. It is not going to. We are on the

road to recovery because this side took that lonely road when people told us: Wow, that is politically going to hurt you, and it did. We lost some people this last election. But leadership is not about taking the easy road, the easy answer, the simple solution.

We are in a very complex time with many issues facing us internationally and nationally—economic, energy, world issues. We have to be able to juggle those all and move them forward. The public demands it of us.

So this ultimatum, or whatever it is, this letter that they wrote just shows the classic tactic they have used the last 2 years. I mentioned this morning, and I will mention again, that I read in one of the political news stories yesterday that someone on the other side, one of the Senators from the other side, one of my colleagues, said: I can't believe it took us a week—a week—to do food safety. Neither can I. But it was not anyone on this side of the equation. Over there, they demanded us to have two 30-hour periods to debate food safety that ended up passing with over three-quarters of the body supporting it. Why? Because it is a good bill. But they wanted to delay it so we don't get to the main issues.

Again, Mr. President, I have a unanimous consent request. I want to give it. We thought they would be down here at 3:30. We thought they would be down here at 3:45. Now it is 4 o'clock. They told us to get busy. We are trying to get busy by doing some unanimous consent requests on job creation. But I will just tell you, it is important for us to recognize what their goal is here: delay, delay, not helping the American people, and basically giving bonuses to millionaires and billionaires, which is unreal.

I see my colleague from New York wants to jump in, so I am going to yield for my colleague from New York. Again, I am hopeful there will be Members on the other side so we can get on with propounding unanimous-consent requests to get the Senate moving.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I know my colleague from New Mexico wants to say a few words about some of the job-creating proposals he has that have been held up by Republicans blocking for their millionaire tax cuts, but here is a headline I wanted to alert my colleagues and the American people to. This is Newsweek. It came out today. I want to read this headline to the American people. And this is not a Democratic publication. “Republicans Hold Senate Ransom for Rich Tax Cut.” Let me repeat that. “Republicans Hold Senate Ransom for Rich Tax Cut.” I couldn't have said it better myself. That is exactly what the other side is doing. They are so eager to reward the wealthiest among us with a huge tax cut—even though we have a deficit, even though we have unemployment, even though we have so many

other things to do—that they are holding up the entire Senate.

Enough already. Enough already. And I would like them to come to the floor and defend holding everything up for a tax cut for the millionaires. We are willing, and many of us—I know the Senator from Missouri and myself—are saying: Give the tax cut to the middle class but not to the wealthiest among us, not because we don't like them, not because we don't admire them but, rather, because they are doing well, we have a deficit, and we have other problems.

"Republicans Hold Senate Ransom for Rich Tax Cut." That says it all.

Mrs. MCCASKILL. Mr. President, will the Senator yield for a question?

Mr. SCHUMER. I will yield for a question.

Mrs. MCCASKILL. I say to the Senator through the Chair that an awful lot of economists have met with I think all the Senators about the frustrations we have with this economy. So the question we have asked over and over is, What is the most stimulative thing we can do for the economy? What can we do in terms of our actions that will provide injection of the most money into the economy and therefore create the most jobs?

I am wondering if the Senator could share with us what it is that is the most stimulative thing we can do.

Mr. SCHUMER. I thank my colleague from Missouri for the question, which I will answer through the Chair.

The most stimulative thing we can do is to extend unemployment benefits. Those folks will spend every dollar in our stores, in our restaurants, and it will create jobs. If we give a tax break to multimillionaires, oh, yeah, they will rush right to the supermarket to buy that prime rib because they didn't have the money. Please.

Mrs. MCCASKILL. Let me ask another question.

Mr. SCHUMER. I yield for another question.

Mrs. MCCASKILL. We obviously passed this tax cut a decade or so ago, and they decided to make it temporary, not permanent, when it was passed. So there was a decision made by the Senate that it wasn't worthy of being permanent, that it was temporary. So now here we are, it was temporary, and we have to decide whether we make it permanent. That is really where the rubber meets the road because—and correct me if I am wrong—they made it temporary to see if this tax cut for the wealthy would create jobs.

I am so sick of hearing on every TV show in America, well, if you give a 3-percent tax differential to the wealthiest people in America, they are going to create all these jobs. Well, I am trying to figure out where the jobs are that this tax cut for the wealthy created. This was an experiment. It didn't work. It didn't create the jobs. That is why we have this debate right now.

We have to decide whose side we are on. Are we on the side of the middle

class, with shrinking income, with more frustration because they can't do some of the basic things with their families that they always assumed they would be able to do in America or are we going to continue a bonus to the wealthiest Americans which doesn't even stimulate jobs?

In fact, what we are going to do today is we are going to make a number of unanimous consent requests for things that will create jobs and see whether we can get our Republican colleagues to go along.

The Senator was here for that debate, but I am assuming one of the reasons it was temporary was to see if this experiment in more bonuses for the wealthy would trickle down and create these jobs. It has been a decade, and I ask the Senator, how well has it worked?

Mr. SCHUMER. My colleague asks an excellent question. It has not worked. Unemployment is higher today with these tax cuts in effect than it was before they went into effect. We have had the slowest job growth in this decade even before the recession with these so-called breaks for the wealthy in effect.

Let's go back a decade. The tax rate was, for the wealthiest, at 40 percent. We are not talking about a huge increase here; we are talking about the difference between 35 and 39.6. But during that time, jobs were created at a much more rapid rate, No. 1; No. 2, middle-class incomes expanded at a quicker rate than they did in this decade; and No. 3, we had a surplus, not a deficit.

The bottom line is very simple: The tax cuts for the wealthy did not work. The tax cuts for the wealthy did not work. They may have their ideological reasons to give them, but I would rather see that money go not only for unemployment insurance—and I will talk later about this—but also for the HIRE Act, which gives breaks to businesses, where they do not have to pay the payroll tax if they hire someone who is unemployed; for energy tax credits, which my colleague from New Mexico will talk about; and for all kinds of different activities that have been proven to work.

I know my colleague from New Mexico is waiting, but I will once more read the headline from Newsweek, an article by Ben Adler, "Republicans Hold Senate Ransom for Rich Tax Cut." How do you like that, America?

I yield the floor because I know my colleague from New Mexico has been waiting.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, I would emphasize what all my colleagues are saying, particularly what the Senator from Missouri said—a State that, as of last night at midnight, probably had some 40,000 to 50,000, to 60,000 unemployed people lose their unemployment benefits they had earned because they had worked and they and their employer paid into it,

but I would especially emphasize what she said.

Ten years ago, these tax cuts primarily, overwhelmingly, went to the wealthiest Americans, and it was an economic experiment. I opposed them. I was in the House then. Congresswoman STABENOW opposed them. She was in the Senate then, I guess. But it is clear they haven't worked—1 million jobs during the Bush years, 22 million jobs during the Clinton years.

As a result—and I would emphasize this too—all of these proposals we are going to bring forward now—and we will ask unanimous consent to get these passed to get the economy up and running—the cost of all of them is less than the cost of this tax cut to millionaires and billionaires.

So, Mr. President, I ask unanimous consent that the Finance Committee be discharged of S. 3981, a bill to provide for a temporary extension of unemployment insurance provisions; that the Senate then proceed to its immediate consideration, the bill be read three times, passed, and the motion to reconsider be laid upon the table; that any statements relating thereto appear at the appropriate place in the RECORD as if read.

The PRESIDING OFFICER. Is there objection?

The Senator from Wyoming.

Mr. BARRASSO. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from New Mexico.

Mr. UDALL of New Mexico. Mr. President, we have heard here and in speaking with the Senators here on the floor about a really appalling action that has been taking place. I have a letter here signed by all of the Republicans who are really threatening to bring this place to a halt, completely bring it to a halt. They have written a letter to Senator REID, and in the letter, they say:

We write to inform you that we will not agree to invoke cloture on a motion to proceed to any legislative item.

They will not proceed to any legislative item until they get what I would characterize as these taxpayer-funded bonuses for millionaires and billionaires. So they are going to bring the entire Senate to a stop.

Their letter quotes President Obama saying:

We owe it to the American people to focus on those issues that affect their jobs.

Well, I have a bill right here that will affect the jobs of the American people. It is called the clean energy bill. This is a clean energy bill. It is S. 1574, the Clean Energy for Homes and Buildings Act.

As all of us know, clean energy is going to be the industrial revolution of the future, trying to move us toward renewable energy—solar, wind, biomass, and geothermal. This is where we are going to see job growth in the future. This is our chance to be out there in front on the technology we invented here in the United States. This is the way you create clean energy jobs.

So the demand they have issued to us—the ultimatum, really—is, you can't bring a clean energy jobs bill, which we have worked on very hard to get to the floor.

Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of S. 1574; that the Senate proceed to its immediate consideration; that the bill be read three times and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD at the appropriate place.

The PRESIDING OFFICER. Is there objection?

Mr. BARRASSO. Mr. President, reserving the right to object, this request just came to us moments ago. This is the first time we have seen this request, and I cannot speak to the merits of this bill or the problems that may exist.

What I do know is that 42 Senators from this side of the aisle have signed a letter to say that what we ought to do and what we need to do is to find a way to fund the government and prevent a tax hike on every American come January 1.

Mr. President, some of these requests may have bipartisan support, but we don't know anything about the specific legislation as we have just received this request. I think almost every bill in this package of requests that we are going to be considering now is still in committee, so we don't even know if the ranking member of that committee has concerns or potential changes.

This is not the way to handle this. This is December; it is a lameduck session. Let's stop the theater and get to the business we all know we need to address.

I object.

Mr. SCHUMER. Would my colleague yield for a question?

Mr. BARRASSO. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from New Mexico has the floor.

Mr. UDALL of New Mexico. Mr. President, the Senator from Wyoming has said these bills we are trying to bring to the floor here aren't out of committee. I believe he is incorrect when it comes to things such as the START treaty.

Here we have the Republican Party saying they aren't going to consider anything else until they get these taxpayer-funded bonuses for their millionaires and billionaires. That is what they are saying. Yet we have a treaty that is pending. It is on the calendar, Mr. President. If we look on that Executive Calendar there, it is on the calendar. We want to bring that up. In fact, I believe Senator KYL said today that we are not going to bring that up. We are going to stop everything. I saw him on television talking about how we are going to stop everything and that we are just not going to bring up that treaty.

So there are things pending on the calendar that are ready to go. And this treaty in particular deals with our national security. National security used to be an issue where Democrats and Republicans worked together. But with this letter, it looks as if they are not going to be bipartisan. They are going to issue this ultimatum, and they are not going to try to work with us on these kinds of issues.

While they are doing that, we no longer have inspections, we no longer are allowed to go to Russia and look at their sites and find out if they are complying with previous treaties. This new START treaty would allow us to do that. But, instead, what we are seeing here, over and over again, are these kinds of objections.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, may I ask my colleague from Wyoming a question in reference to what he just spoke about? I thank him for yielding for a question.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, my colleague said he wanted to make sure his colleagues on that side of the aisle didn't want to do anything else until they made sure there was a tax cut for every American. Let me pose a hypothetical. Let's say we gave a tax break to every American whose income was below \$1 million but not to people above \$1 million. Would he and his colleagues continue to block things, such as the unemployment insurance, the HIRE Act, and energy tax credits? In other words, when the Senator says a tax break for every American, does he mean it has to be for millionaires?

Mr. BARRASSO. Mr. President, my statement was, what I do know is that 42 Republicans have signed a letter to say what we ought to do and what we need to do is to find a way to fund the government and prevent a tax hike on every American come January 1.

Mr. SCHUMER. Would my colleague yield for another question, a followup?

The PRESIDING OFFICER. Is there objection?

Mr. BARRASSO. I would be happy to read the entire letter that was sent to Senator REID if there is some question as to what was exactly in that letter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. My question is very simple. The Senator said he wanted to prevent a tax hike on every American. Hypothetically, if we prevented a tax hike on every American except the small number whose income was over \$1 million last year, would my colleague and his colleagues continue to block efforts to do any other piece of legislation?

Mr. BARRASSO. Mr. President, I am not going to answer a hypothetical. What I will tell you is, we did send a letter to Leader REID. I will be happy to go through the entire letter at this point:

DEAR LEADER REID: The nation's unemployment level, stuck near 10 percent, is unacceptable to Americans. Senate Republicans have been urging Congress to make private-sector job creation a priority all year. President Obama in his first speech after the November election said "we owe" it to the American people to "focus on those issues that affect their jobs." He went on to say that Americans "want jobs to come back faster." Our constituents have repeatedly asked us to focus on creating an environment for private-sector job growth; it is time that our constituents' priorities become the Senate's priorities.

For that reason, we write to inform you that we will not agree to invoke cloture on the motion to proceed to any legislative item until the Senate has acted to fund the government and we have prevented the tax increase that is currently awaiting all American taxpayers. With little time left in this Congressional session, legislative scheduling should be focused on these critical priorities. While there are other items that might ultimately be worthy of the Senate's attention, we cannot agree to prioritize any matters above the critical issues of funding the government and preventing a job-killing tax hike.

Given our struggling economy, preventing the tax increase and providing economic certainty should be our top priority. Without Congressional action by December 31, all American taxpayers will be hit by an increase in their individual income-tax rates and investment income through the capital gains and dividend rates. If Congress were to adopt the President's tax proposal to prevent the tax increase for only some Americans, small businesses would be targeted with a job-killing tax increase at the worst possible time. Specifically, more than 750,000 small businesses will see a tax increase, which will affect 50 percent of small-business income and nearly 25 percent of the entire workforce. The death tax rate will also climb from zero percent to 55 percent, which makes it the top concern for America's small businesses. Republicans and Democrats agree that small businesses create most new jobs, so we ought to be able to agree that raising taxes on small businesses is the wrong remedy in this economy. Finally, Congress still needs to act on the "tax extenders" and the alternative minimum tax "patch," all of which expired on December 31, 2009.

We look forward to continuing to work with you in a constructive manner to keep the government operating and provide the nation's small businesses with economic certainty that the job-killing tax hike will be prevented.

With that, I tell you that all 42 members of the Republican Party, this side of the aisle, have signed their names.

I yield the floor.

Mr. SCHUMER. Mr. President, reclaiming my time, I have a great deal of respect for my colleague from Wyoming, but he has not answered the question and it is obvious why, because the Republican Party and all 42 members care as much or more about giving a \$100,000 tax break to someone whose income is \$1 million as they care to give a small tax break to somebody whose income is \$50,000. That is what we are here talking about.

The reason this letter and the response of my good friend from Wyoming to my question doesn't answer the question is because they are hiding. They are hiding behind the curtain of protecting the millionaires. We are



pulling that curtain open and we are showing the American people and will continue to show that the No. 1 goal of the Republican Party is not jobs, it is not helping the middle class, it is not getting our green energy industry going, it is not helping small businesses hiring people as in the HIRE Act, it is to give the millionaires a huge tax break and hold hostage that the middle class will not get their tax break. We are going to continue to go at it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I agree with one thing my friend from Wyoming said in the letter they signed, which is we should not be continuing job-killing practices. I would say after 10 years of tax cuts for the wealthy, where are the jobs? If there ever was a policy that didn't work, it was that one. We have lost, in Michigan alone, over 800,000 jobs under the policy they want to continue. In the country we have lost over 8 million jobs under the economic policy they want to continue—not helping the middle class, not helping small business but giving the bonus benefit, the extra tax cut to those at the top, hoping it will trickle down. Frankly, we are tired of waiting for it to trickle down.

What we are proposing and I am going to offer as a unanimous consent request is to continue something that is actually working, that is actually creating jobs in this country and beginning to turn manufacturing around.

I think the exchange between the distinguished Senator from New York with my friend from Wyoming is very telling. Even if we were talking about tax cuts for those up to \$1 million, that is still not enough.

This is not about small business. People on the other side of the aisle have filibustered and voted against 16 different tax cuts for small businesses in the last 18 months, 8 of those in September and October. This is not about small business. We are the folks who have been fighting for small business and will continue to do that, as well as those in the middle class.

I am going to ask, in a moment, unanimous consent for something that is an extremely effective and exciting new focus for our country; that is, on something called clean energy manufacturing. We are committing to making it in America. We want to see the words "Made in America" again. I want to see "Made in Michigan," frankly, on all those products.

One of the things that 18 months ago we passed as part of the Recovery Act was something called an advanced manufacturing tax credit, to allow companies to deduct 30 percent of their costs for new plants, new equipment, hiring people in the area of green energy: wind, solar, electric, batteries, and so on. We have seen across the country now, 183 new manufacturing facilities in 43 different States across

the country as a result of that. People are being hired, and every month we are seeing manufacturing numbers go up rather than down in the last 18 months. If, in fact, we add another \$5 billion, another small investment compared to the \$700 billion for millionaires and billionaires in the tax cut—if we just invest \$5 billion of that, it is estimated we will unleash at least \$15 billion in total capital investments, partnering with the private sector, and create tens of thousands of new construction and manufacturing jobs.

That is our priority—things that work, focusing on jobs and making things in America again.

Therefore, Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 3324, the Senate proceed to its immediate consideration and the bill be read three times and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and any statements relating to the measure be printed in the RECORD at the appropriate place.

The PRESIDING OFFICER. Is there objection?

Mr. BARRASSO. Mr. President, reserving the right to object, this request, again, has come to us just moments ago. This is the first time we have had a chance to look at this. I will not speak to the merits of the bill and the problems that may exist, but this is not the way to handle this. As you know, we are now in December, in the lameduck session. There are things that could have been brought up any time in the last 1½ years to 2 years, and we have focused specifically on making sure taxes are not increased for Americans between now and January 1. All Americans are concerned about those taxes going up.

As a result, I think it is time to stop the theater we have and get to the business we all know we need to address and I object.

The PRESIDING OFFICER. Objection is heard.

Ms. STABENOW. Mr. President, this is not theater. This is about real people in my State who want to work. This is about investing in middle-class jobs and manufacturing. It is about taking a policy that has been in place now for 18 months that has worked and being able to extend it.

In terms of bringing this up for the first time, we have focused on it and have been debating it and discussing it over and over. The bill I asked unanimous consent for is bipartisan. This is not new. We have not been able to get through the obstructionism, the throwing of sand in the gears, and the filibustering to bring this up. If we want to focus on something between now and the end of the year, let's focus on jobs and getting people back to work.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consider-

ation of H.R. 4915, something we have been discussing the last week, and that all after the enacting clause be stricken and the substitute amendment at the desk, a fully offset repeal of section 9006 of the Patient Protection and Affordable Care Act, the Small Business 1099 paperwork mandate, be agreed to, that the bill, as amended, be read a third time and passed and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection? The Senator from Michigan.

Ms. STABENOW. Mr. President, reserving the right to object, let me indicate, as someone who has voted in fact to repeal this particular provision, I think it is important we get that done. We actually have a majority of Members who have supported getting that done. Senator BAUCUS, the chair of the Finance Committee, brought forward a proposal that unfortunately did not get the bipartisan support necessary to be able to do it, but we are committed to getting this done. It is something I hope our colleagues will join with us in as we bring the tax bill to the floor before the end of the year. It is important, in my judgment, that we repeal this provision, which I do believe is onerous for small business, but it needs to be done in the context of the broader package, so I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Wyoming still has the floor.

Mr. BARRASSO. Mr. President, I appreciate the comments by my colleague from Michigan because this was brought to the floor previously but with a threshold of 67 votes, and there were two different approaches to trying to help the small businesses across the country that are all being held hostage by a very onerous paperwork requirement in filing. But the threshold of needing 67 votes was too high, even though people from both sides of the aisle voted for both the measures that were offered.

We want to help small businesses around the country and eliminate what the IRS says is going to be almost impossible to comply with, what small businesses say is going to be expensive to carry out, and what Senator JOHANNES, in an amendment, has a paid-for solution. I think this is something we should, as a Senate and as a body, be committed to adopting. The President of the United States says this needs to be solved.

What I heard now is an objection to something I think is a very reasonable request, and I am sorry that objection has been made.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Let me just indicate again, as a Senator who voted for both proposals that were in front of us, I could not agree more. We have to get this done. I believe there is a commitment on both sides of the aisle to get

this done. You are correct that the 67-vote threshold was very high. We need to come back in a different context and get this done. I am committed to working with my colleague to do that.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. MCCASKILL. Mr. President, my friend from Wyoming, who is a good guy, just said that the motions we are making, unanimous-consent motions—that these things could have been brought up earlier. Oh, if only it were true. If only it were true that we could have brought these things up earlier. If anybody has been paying attention, they would understand that our friends across the aisle have been blocking everything, including motherhood and apple pie, for the last year. They have voted unanimously to move judicial nominations out of the Judiciary Committee, and then they languish and they will not allow us to bring them up for a vote.

Then my friend said we need to stop the theater. Well, let me tell you what theater is. Theater is when a Senator says: If we cannot get everything resolved and all of the spending decisions made by Monday, well, then, I just don't think we can do the START treaty. Theater is having 42 Senators say: We will not participate unless you do what we want to do today. That is theater. That is theater. Theater is saying: Well, you could have brought this up earlier, when everyone knows they blocked everything we wanted to bring up. That is theater. What you are seeing on this side right now is a healthy dose of indignation on behalf of the American people who are hurting.

I think back. I think back to elections past when great patriots were accused in the most vivacious ways of being soft on national security. I remember a Senator who lost his limbs in battle who had advertisements run against him that somehow he was soft on terror because of a twist and distortion of a vote he had cast in the Senate.

Now fast forward. We have a treaty that the military unanimously supports, that the Secretaries of State for those Republican Presidents who warned us about loose nuclear weapons and terrorists—their Secretaries of State have stood up and said this is the thing to do. The ranking member of the Foreign Relations Committee in the Senate, Senator LUGAR—is there anyone more respected on what we should be doing to protect this Nation than Senator DICK LUGAR? And they are holding this treaty hostage to protect millionaires. Has it come to that? They now are willing to risk national security, the security of this Nation, because they refuse to allow us to stop the extra-big tax bonuses to millionaires and billionaires. Can you imagine what would have happened to somebody in my party who had the nerve to stand up in the face of our allies, our military, bipartisan support, everyone from Pat Buchanan to Colin Powell,

who has said to the American people that this START treaty is necessary? And they are saying: Well, if you don't give us a tax break for millionaires by Monday, we are going to go home. Really? It takes your breath away. It just takes your breath away. I have some unanimous-consent requests I will also make today, but I really want that to sink in.

We have reached every goalpost they have put up on the START treaty, and then they have moved it. We have no verification of nuclear weapons in Russia right now, and we haven't for months, and they are nibbling around the edges because—do you know what I believe this might be? I might believe this is part of the strategy that was announced by the leader of the Republican Party that their No. 1 priority is to defeat President Obama, to damage him. They want to deny the passage of this treaty, I believe—it certainly has the appearance, anyway, that this is about damaging President Obama.

We should be focused on our national security. We should be focused on giving tax cuts to Middle America. We should be focused on tax cuts to small businesses. We have done net tax cuts in this country of \$300 billion in the last 18 months, and all of those tax cuts were focused like a laser on the middle class and on small businesses.

Do not let anybody sell you a bill of goods that the Democratic Party is not fighting for tax cuts for Middle America and small business. Now, we are not so excited about the millionaires. Those are not stimulative. They have not created the jobs. It has been an economic experiment that has failed. Once again, the trickle down did not trickle. And it is time for us to get busy, make these tax cuts permanent for the middle class, and continue to try to reduce our deficit.

I see my friend. Nobody has worked harder, and I have tried to be a partner with him to reduce spending in the Federal Government. But this all of a sudden “we are going to take our football and go home if you don't give us what we want by Monday”—and here is the richest part of this. The person who is saying “we are going to go home on Monday if we don't get it by Monday” is the person who is negotiating. He is supposed to be negotiating at 5:30. I mean, it is like looking in the mirror and saying: Hey, if you don't get it done by Monday—if he wants to get it done by Monday, then be reasonable about the millionaires. Be reasonable about the millionaires, and we can get this done, and we can go home and celebrate Christmas with our families and come back and start hard next year to reduce this deficit with a good downpayment—\$300 billion going to reduce the deficit because we are not going to give a very small, incremental tax increase to people who have plenty of cash right now. What they really need, those millionaires, they need the middle class to have some money to spend to create the demand. That is the eco-

nomic policy that makes sense in this climate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. BEGICH. Mr. President, I have a unanimous consent I wish to do, but before I do that, I want to say that I know the Senator from Wyoming is not here right now, but I want to echo the point that we are going to deal with the 1099s. It is a question of making sure we pay for it the right way. I do not think anyone in this body—we are motivated and I think a lot of us are working in a bipartisan way to resolve that issue.

As someone who has been in the small business world since the age of 14, who has had a business license since that age, I have aggressively talked about the issue of small business, I have lived small business, and I clearly understand what the 1099 is all about. I talked about this issue back in July and made it clear that we need to deal with it and get rid of it. So we are going to be working on it. We will see this, hopefully, as part of the tax package, a tax extender package, and we will deal with it.

I come to the floor because I also have a unanimous consent I would like to do in regard to small business. This is a bill that will help what they call HUBZones, HUB areas that are high unemployment to the tune of 140 percent of the average adjusted unemployment rate. These have been very helpful for many different communities across this country as well as in our State.

This is the Rebuilding Local Business Act of 2010. It amends the Small Business Act and designates HUBZones and gives them another 3 years of opportunity.

Mr. President, I ask unanimous consent that the Small Business Committee be discharged from further consideration of S. 3563 and that the Senate then proceed to its immediate consideration, the bill be read three times and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. ALEXANDER. Mr. President, reserving the right to object—and I wonder if I might be recognized to speak following the objection I intend to make—reserving the right to object, Republicans have said that we believe the single most important step we can take to create jobs is to keep the current tax rates, which will go up automatically on January 1; secondly, we need to fund the government—funding expires this Friday; and that after that, we can move to whatever else the Democratic leader would like to bring up. We should fund the government, keep the tax rates where they are, freeze spending, and go home.

I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Alaska.

Mr. BEGICH. Mr. President, still having the floor, let me respond. First off, I want to make sure, as the public is watching this, what that means. Keeping the tax rates where they are means millionaires and billionaires continue to get a bonus because that is what it is, with no disrespect to my colleague on the other side. I mean, corporations, businesses today—and I can speak about this, again with no disrespect to my colleague, as someone in the small business world. Our family is in this business. My wife owns four retail stores, started from scratch, just as I did in many of my businesses. The small business community—the small business community—benefits not by the people over the 2 percent, the top 2 percent; the small business community are the ones below that. Half of the businesses in this country, the small businesses, gross less than \$25,000. That is a fact.

So for us to just kind of continue business as usual and keep these tax rates where they are for the millionaire and billionaire club—that didn't help us the last 3 years. The fact is, right now they have those tax breaks. Right today, they have those. They had them last year. They had them the year before. And what happened to this economy? It crashed and burned almost to the ground. What has happened to the millionaire and billionaire club? They have more money in their bank accounts today than ever before. That is not me saying it; that is other independent data out there. Corporations have more cash on hand today than they have had in decades.

So for us now to say: Hey, let's give the millionaires and billionaires another bonus for the next year for running our economy into the ground doesn't make any sense to me and doesn't make sense to the people back home in my State, the Alaskans I talk to every single day. As a matter of fact, when I came here in January of 2009, we were in our fourth or fifth month, if I remember right, of losing 500,000 to 700,000 jobs a month. Do you know what that is equal to? That is the total population of my State every single month being lost.

People who are saying we have to make sure the millionaires and billionaires have this \$700 billion bonus, paid for by the taxpayers of this country, to drive us more into debt, and believe that is going to solve this economic problem is absolutely wrong. I have had to scratch nickles and dimes together to build businesses. I have done it before. I have succeeded and failed. That is not what grows business, giving millionaires and billionaires breaks. What makes a difference, for example, is the small business bill we passed, where we only got two votes on the other side, a small business bill that brought money to loan small businesses. That is what makes a dif-

ference, or extending the tax credit, which we did, not only during the recovery bill, the stimulus bill, which I know everyone on the other side hates, but also during our small business bill so people can buy equipment and depreciate it in the first year, write it off in the first year. That is of real benefit to small businesses. Extending the SBA loan program, expanding it from the limitations they had before to \$5 million to make sure that the front-end fees do not have to be charged, what did that do in my State? It tripled—tripled—the loan capacity of SBA to small businesses. That was supported on this side. You want to grow small business. That is how you do it, because the way it has worked, we drove into the biggest recession since the Great Depression.

So I respect the comments on the other side, but for us to say to the American taxpayers: Hey, we are going to give another \$700 billion to millionaires and billionaires, is beyond comprehension—beyond comprehension, especially when we tell them: Oh, by the way, it is going to be debt financed. So my son, who is 8 today, and his kids, my grandkids, maybe, in the future, will still be paying that bill because we were told that by Monday we have to make a decision.

I am not doing that. I didn't come here to play those games, to swap off the START treaty or national security for the benefit of millionaires and billionaires.

The other thing I have learned about this place, we can multitask. I came down here this morning, no one was on the Senate floor. I go to committee meetings—there is supposed to be 15, 25 people—2 people show up, maybe 4. I don't know what other people are doing. I am showing up because that is what I was sent here to do by the people of my State, to come here and work. For us to sit around and say we can only do one thing at a time—I talk to families every single day. They are doing multiple things every day, every single day. Why we can't, with all the staff we have, all the abilities we have, focus on more than one thing is ridiculous.

Again, no disrespect to the Senator from Tennessee. I mean him no ill words. I am frustrated. I didn't come here for these kinds of games. We put a 1099 amendment on the Food Safety Act. People are asking: What are we doing? I heard yesterday, why did we spend a week on the food safety bill. The other side wanted to delay it because it was good politics for them to delay and drag it out. So here we are. We have a deadline. We have to get this passed or we are going home. If you don't want to be around here, then go home. But the fact is, the American people sent us here, Alaskans sent me here to not just do one issue but to do multiple issues. That is what our country is about. It is complex. There is no single issue that drives the economy. But giving millionaires and billionaires a \$700 billion tax bonus is ridiculous.

I appreciate the comments. I am sorry my colleague objected to this one item because in order to build this economy, we have to have multiple things in play. This gives more tools to the private sector to grow their neighborhoods and businesses.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. BEGICH. I appreciate the opportunity to rant for a little bit and yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

#### SENATE AGENDA

Mr. ALEXANDER. Mr. President, I see the Senator from Alabama here. I don't want to take time from him. Let me see if I can go back to the beginning.

The government runs out of money Friday. Taxes go up at the end of the month. Republicans have written a letter to the majority leader that says: Let's focus on those two things. Let's fund the government and let's keep the tax rates where they are which would be the single best thing we could do in the middle of an economic downturn to help create jobs, and then we are ready to go home.

We think we heard the results of the election. Our friends on the other side keep on insisting on an encore after a concert which attracted a lot of boos. What the American people were saying to us is, fund the government, keep the tax rates where they are, freeze spending, and go home. Bring the new Congress back in January, and let's begin to work on the priorities of the American people which are, No. 1, to make it easier and cheaper to create private sector jobs; No. 2, bring spending closer to revenues; and No. 3, be smart and strategic in dealing with terror. So one, two, three—those should be our objectives.

In the last 2 weeks in this so-called lameduck session, insisting on an encore after a concert that attracted a lot of boos shows a lot of tone deaf politicians.

What we Republicans have asked is extraordinarily reasonable. The President—and I give him great credit for this—had a bipartisan leadership meeting. It was the best one he has had since he has been President. It was constructive. As a result, the Republican and Democratic leaders who met together said: We will designate a smaller group to see if we can work out the tax part of this. Then, in the discussion that came afterwards, we, on our side, made it clear to the President and to the Democratic leader that after you fund the government—remember, the money runs out Friday. We have to do this. Nobody wants the government to shut down. After we deal with taxes—remember, they go up automatically at the first of the year—then we will go to wherever the majority leader of the Senate wants to go. He is the single person who can bring up something,

and if he chooses to go to the DREAM Act, if he chooses to go to Don't Ask, Don't Tell, if he chooses to go to a whole laundry list of other issues, that is entirely his prerogative.

We, under the traditions of the Senate, have the right to make the voices heard of the people we represent and amend and debate things. If the majority leader says: I have listened to the President. He thinks the New START treaty is the most important thing to go to next. He can bring that up if he wishes to. We can debate that. We would want ample time to do that. That is a part of the Senate tradition as well.

There is nothing in the letter that 42 Republicans signed that says anything about national security or the New START treaty. It talks about legislative proposals. We recognize that until some fortuitous event should occur that we might have the majority, it is up to the Democratic leader what comes up.

The Senator from Missouri was talking about the New START treaty. We are not talking about it. In fact, we are meeting on it. We are working with the administration to see if nuclear modernization can be properly done.

Mrs. MCCASKILL. Will the Senator yield for a question?

Mr. ALEXANDER. I will not. I will continue my remarks and the Senator may gain the floor later.

We are working on making certain that if the New START treaty is approved, we are not left with a collection of wet matches. We want to make sure the nuclear warheads we have work.

I am one Republican who is open to voting for the New START treaty. I see the advantages of the data and of the inspections that come from it. I know the tradition of disarmament and nuclear arms control. I am deeply concerned about the condition of the facilities that do our nuclear modernization. I am impressed with the progress the President is making in that area. Let's continue to make that progress. If the majority leader wants to move to that, he can. But instead this afternoon we get a long list of new proposals that have come in here that we haven't read, that haven't been through committee. It reminds me of Christmas Eve a year ago. Let's just bring a bunch of bills in here. Nobody has read them. It doesn't matter.

The American people said in November they didn't like that. So they sent a bunch of new people here.

With all respect, we understand what it is like to lose an election. We have lost a lot of them lately. We had very few Republicans elected in 2006. We had very few elected in 2008. We thought the people had something to say to us. We tried to learn from that. We hadn't been doing some things well. We are trying to work our way back. We are trying to re-earn the confidence of the American people going step by step. We think the steps that are appropriate

today are to keep the tax rates where they are in the middle of an economic downturn. It makes no sense to tax job creators at a time when unemployment has been above 9.5 percent for 16 out of the last 17 months and when it has only been that high for 30 out of the last 862 months.

What we are suggesting is the kind of thing that President Obama's former budget director has suggested, Mr. Orszag. He said: Let's extend it for 2 years because raising taxes in the middle of an economic downturn makes no sense because it doesn't create jobs. We would like for them to be permanent. That is a possible area of compromise. Keep the tax rates where they are, deal with funding the government, and then let's move to whatever subject the majority leader would like to move to, including the New START treaty, if he thinks that is the most important area.

I wish to make sure the Republican position is well understood. I understand we have printed in the RECORD our letter to Senator REID of yesterday which says very simply: Dear Mr. Majority Leader, we 42 Republicans believe that we should keep tax rates where they are because they go up at the end of the month, and we should fund the government because it runs out of money Friday. And after those two, we can move to whatever legislative item you would like to. Of course, we have no comment on whether you move to a treaty such as the New START treaty. That is our position. We believe that is a reasonable position.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I will be brief, but I do appreciate so much the comments of the Senator from Tennessee. He is one of our most valuable Members. He is an honest person. He can summarize complex matters in ways even I can understand. I think he stated honestly and fairly where we are today.

Not only did President Obama's own Office of Management and Budget Director, Peter Orszag, say we ought to keep the rates where they are, not go up on the upper income people at this time of economic stress and job loss, not raise taxes on them—although my colleague is saying that somehow if we pass this legislation it would be a bonus. For 10 years these rates have been at this level. We are talking about raising the rates if we don't take action.

I am going to recall that Senator ALEXANDER serves on the Budget Committee, as does Senator MCCASKILL. We worked hard on some important legislation together that I think will be helpful in containing spending.

We recently had a Budget Committee hearing a few months ago. I think Senators ALEXANDER and MCCASKILL were there. We had three premier, exceedingly well-known economists testify, two called by the majority and one

called by the Republican minority. That is sort of traditional. We had Mr. Zandi from Moody's, Allen Blinder of Princeton, and John Taylor of the Taylor rule. The violation of his rule by Mr. Bernanke was a significant factor in the bubble in housing. But Mr. TAYLOR was a Republican witness. All three said: Don't raise taxes now in this economy.

It is offensive to me a bit to have my colleagues stand up and in a demagogic way say: You are trying to give a tax benefit, a bonus to millionaires. I don't believe that is accurate. These three premier economists, two of them called by the Democratic majority, said: Don't raise taxes.

Do you think these economists were saying this because they want to help millionaires, or do you think they were making that opinion because they believe it would be best for the economy and help more Americans who are out of work get work?

Mr. ALEXANDER. Assuming the Senator from Alabama still has the floor, I agree with him, in answer to the question. The idea is that you don't raise taxes in the middle of an economic downturn because it makes it harder to create jobs. And that raising those taxes now makes no sense. That is simply the argument.

Mr. SESSIONS. And Mr. Orszag was a former Congressional Budget Office head and also was chosen by President Obama when he first came to office for that significant, premier center of the government, the Office of Management and Budget, a student of these issues, far more liberal in ways than I would be in a lot of matters. But he has indicated he did not think we should raise taxes now that he has left the administration.

Mr. ALEXANDER. Yes, that is his point. He wrote that in the Wall Street Journal shortly after he left the administration. I believe, in fairness to Mr. Orszag, he said tax rates ought to be differentiated, and he expects that we would have a big argument about the levels of taxation, if we are doing something in a permanent way. But he did say very clearly that given the length and severity of the economic downturn, that the logical thing to do would be to keep the current rates exactly where they are for at least 2 years because not to do so would clearly cause job loss.

If we are listening to the American people and we have our eyes open, making it easier and cheaper to create private sector jobs should be our main objective, and raising taxes on anybody in an economic downturn runs against that objective.

Mr. SESSIONS. I thank the Senator for sharing those thoughts. I would say it is concerning that this gets boiled down to some sort of an idea that we are just trying to protect the rich.

What we are trying to do is to do something to help this economy to allow the private sector to create jobs and reduce this unemployment, which

is maddeningly remaining at very high, unacceptable levels. Everybody, all the economists and others, tells us the economy will not come back until we have a lower unemployment rate. Raising taxes is not the way to lower unemployment, and we are talking about a significant increase to 39.6 percent on upper income taxpayers.

These are small businesspeople. I met one gentleman who has 10 fast food restaurants and 200 employees. He told me with the health care bill and the stress he is seeing, he expects to be laying off 70 of those employees. We do not need to even be laying off 7. We need to be able to hire more, if we can, so we can have more people working.

Then we have, in addition, a 2.9-percent increase on upper income people, a 2.9-percent additional tax for Medicare. That makes the total tax rate about 42.8 percent or 42.6 percent. Plus, my State of Alabama has a 5-percent income tax. That makes it 47 percent. Some have 10 percent income tax. Then we pay sales taxes. Then we pay property taxes, and other taxes, gasoline taxes and those things. So the idea that we can just continue to ratchet up taxes without consequence to the economy is not accurate.

I do remember and would say one more thing. I talked to a businessman at an airport of an international company. He is the CEO for North America. He told me they had sought to obtain an environmental chemical process in the United States at their plant, and he thought he had won it. The people in Europe, who evaluate the proposals—it would have added 200 jobs in my State of Alabama—they said: Sorry, you have lost because you did not count taxes. And tax rates are higher in the United States than for the competing company. They had plants all over the world. This other plant, in another country that had lower taxes, was going to get it. We lost 200 jobs in the United States as a direct result of higher taxes.

So I just want to repeat, it is an absolute myth that we can just raise taxes on productive enterprises and small businesspeople who do a subchapter S and take their money directly rather than through corporate taxes; that we can raise those taxes and it will not have a job impact. It will have a job impact. That is why all three of the economists who testified before the Budget Committee—two of them Democrats—said: Don't raise taxes now. That is why Mr. Orszag said: Don't raise taxes now.

I see my colleague seeking the floor, and I am pleased to yield.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. McCASKILL. Mr. President, I yield the floor so the Senator from New York can be recognized.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank my colleague for yielding the floor. I will be brief.

I would first like to ask my colleagues a question of any of my Republican colleagues. They say we have to do this by Monday. It is one of the most important economic issues we have. If today we were to offer you—certainly I would; I cannot speak for every one of my colleagues—we will keep the tax rates the same for everyone whose income is below \$1 million and have them go up to what they were in the Clinton years for people \$1 million or higher, how is that for a compromise? Would you accept it? Well, I would ask any of my colleagues to come on the floor and tell us why they would or would not accept it.

We all know there was greater prosperity in the Clinton years than there was during the Bush years. We all know there was less of a deficit—in fact, a surplus at the end of the Clinton years—and a huge deficit in the Bush years. We also all know just about every economist tells us that tax cuts, taxes for millionaires, do not create jobs. This is not capital gains. This is not an investment tax credit. This is personal income of millionaires and billionaires. It is one of the least effective ways to create jobs.

So, again, I would ask my colleagues, are you willing to accept that compromise? I am.

I would like the RECORD to show no Republican colleague has accepted that compromise.

I have another proposal I would like to offer before I yield back quickly to my colleague from Missouri.

ORRIN HATCH and I passed a bipartisan bill, a tax cut for small businesses and large businesses, called the HIRE Act. It said if you hired somebody during the course of 2010, and they were unemployed for 60 days, they did not pay payroll tax. It has been regarded as a success. Five million jobs have been created since it passed. We cannot attribute all of them to the HIRE Act, but certainly it had to do with a good number of them. I would like to see us move that bill right now. It is a tax cut. It is for business. It creates jobs.

So I ask unanimous consent—and I would like to do that now, not to wait until we give a tax break to millionaires. These could be retired people who do nothing, who have a load of money, not small businesses working hard that would get a tax break.

So I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 3623 and that the Senate then proceed to its immediate consideration, the bill be read three times and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and that any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I would say as to the question raised by my esteemed colleague, I respect his economic judgment, but I respect the economic judgment more of Mr. Zandi of Moody's, Mr. Blinder of Princeton, and Mr. Taylor of the Taylor rule. They all have said without exception: Do not raise taxes in this economy, and those persons who might be making higher incomes most likely are the people who have the most employees and could be affected. They could pay for that by reducing employees. I would also cite him Mr. Peter Orszag, President Obama's own former budget director. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SCHUMER. Mr. President, I yield for my colleague from Missouri who graciously yielded to me.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. McCASKILL. Mr. President, sometimes we selectively like certain testimony and dislike other testimony around here. My friend from Alabama is so proud of Mr. Zandi. I think it is important we put on the record what else Mr. Zandi said.

Mr. Zandi said if we had not passed the stimulus, we would have a depression. Now I hear the other side saying there was nothing worse than the stimulus. Mr. Zandi said if we had not done the stimulus, we would have a depression.

Now, I think Mr. Zandi would also say, if he were here right now, that the least stimulative tax cut we could do is a personal tax rate at the very highest bracket. Do you know what he would say is the most stimulative thing we could do to the economy right now? Unemployment benefits. And what are we fighting over? They are blocking the most stimulating thing we can do for the economy to do the least stimulating thing for the economy for the millionaires and billionaires.

Let's go over that again to make sure we understand this. The same economist my Republican friend is hanging his hat on has said, time and time again, the only thing that stood between this country and a depression was passing the stimulus. Now my colleagues want to use that same economist to justify holding up unemployment benefits, holding up the START Treaty, national security, and holding up any other business of the Senate, judicial nominations, work that needs to be done, to protect the millionaires and billionaires.

We do not need to argue about whether tax cuts are good. I think we have shown that. The proof is in the pudding. All my Republican friends know we have passed tax cut after tax cut. We have passed tax cuts for almost everybody in America. We passed tax cuts through payroll taxes. We passed middle-class tax cuts. We passed tax cuts for small businesses, which they were busy opposing. That is rich. They

opposed the tax cut for small businesses, and now they want to go to the mat for the millionaires.

People need to understand what they are saying. The reason the economists say do not raise taxes in a down economy is because we want money to go into the economy in a recession. We are trying to get money to circulate. We are trying to get investment. We are trying to get people to buy things. So that is why we look at spending on an emergency basis like a stimulus. And we look at tax policy and figure out what is the most stimulative thing we can do with the Tax Code to help this economy. That is why we focused on the middle class and small businesses. And they are stuck with those millionaires.

Now, I am very blessed; my husband's first job out of college was in a steel mill. I worked my way through college as a waitress. My husband has been very successful in business. When I talk to him—and he is an economist, very bright—when I talk to him about the various things we can do to stimulate investment—he has invested in many businesses through the years, created thousands and thousands of jobs—when I ask him is a 3-percent differential in your tax rate going to make a difference in your investment decisions next year, he kind of laughs. It may make a difference in terms of how much money he has to invest in one thing or another, but this is not the engine of our economy—a 3-percent difference in the tax rate for people who make millions of dollars. What does make a difference is a tax cut for the rest of America.

Here is where their argument falls apart even further. How many times have we heard our friends on the other side of the aisle talk about the deficit? Here is the dirty little secret. They do not want to extend taxes temporarily because we have a down economy. They want to do it permanently. They want to go borrow trillions of dollars from China to make sure we keep this tax break there for the millionaires permanently. They are not focused on the next year. They are not focused on the next 2 years. They want to blow the lid off this deficit and not pay for a dime of it by extending them permanently.

So he can say: Well, we don't raise taxes in a down economy. Then they ought to immediately acknowledge that this should only be a 2-year extension. But they will not even acknowledge that at this point. We agree on permanent tax relief for the middle class. Book it, Danno. We agree on that. Let's get that done: permanent tax relief for the middle class. All of us agree on that.

I, frankly, think it is time we start looking at the deficit, take the least stimulative money that we spend, which is this extra money for millionaires, and put that against the deficit. We will never get this deficit solved if anybody thinks we can do it on discretionary spending.

I have worked hard on discretionary spending. Senator SESSIONS and I have sponsored an amendment and put it before the Senate time after time trying to get our colleagues to accept a cap on spending. We have not been able to get it across the finish line. I am confident we will in the coming months, and we will put a cap on spending. That is part of the equation: take a hard look at entitlements, figure out if we really need to be buying prescription drugs for millionaires with tax dollars when we are in debt. I do not know. I do not think that makes a lot of sense. That is part of the entitlement program I think we should take a look at, as to how many rich people we are buying prescription drugs for. Then, finally, we need to look at tax policy. If we can't bring the tax rate for millionaires—not talking about a corporate tax rate, not talking about capital gains, not talking about dividends, I am talking about the permanent tax rate—if we can't bring it back to the 1990s—find me a millionaire that didn't do well in the 1990s. I would like to meet one. Man, it was tall cotton in the 1990s for wealthy people in this country and, by the way, it hasn't been bad for the last 10 years. We haven't seen a lot of job creation after this tax cut. We created 22 million jobs in the Clinton years with the tax rate we want to go to for the millionaires, and they created 1 million after this tax cut was created—22 million versus 1 million. Really? We want to blow the lid off a deficit for that kind of job creation? No, we don't.

I wish to clarify one thing. Senator KYL didn't yield for a question. I didn't ever say there was a threatening on START in the letter written by the Republicans. I said Senator KYL today—and let me read the quote.

If taxes all can't be resolved and voted on and completed, and spending for the government for the next 10 months completed by next Monday, I don't know how there is enough time to complete START.

Keep in mind, we have had 16 hearings on START; close to 1,000 congressional inquiries. It is hard to find somebody who understands the threat who doesn't support START. They are saying: Well, the verification doesn't go far enough. We have no verification now.

So Senator KYL is the one who is saying that if we don't get everything done by Monday, they are done on the START treaty. I think I can speak for my colleagues on this side of the aisle. We are not done. We are not ready to go home. We want to stay here until we make sure we cut taxes for the middle class and continue that tax cut for the middle class. We want to stay here until we get that START treaty done, and we want to stay here and make sure we get an agreement to continue to fund the government. We will stay here, and I think most of us are willing to stay here weekends, all night, Christmas Eve, Christmas Day, and the day after Christmas. I think we will stay here as long as it takes to complete this work.

So the sooner we find out the compromises they are willing to make, the better. Will they hold the middle class hostage, are they holding unemployment benefits hostage, and now will they hold the START treaty hostage for tax cuts for millionaires, the least stimulative tax break we can give? I hope not. For the sake of our economy, the future of this country, our grandchildren, deficit reduction, and national security, I hope not.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I wish to thank my colleague from Missouri for her outstanding words.

Again, let us take three facts. First, over the last decade, middle-class incomes have declined for the first time since World War II. Second, over the last decade, if you made over \$1 million, you did just great. Third, in 2001, when George Bush took over, until today, we have gone from a surplus of \$300 billion to a huge deficit. Yet what are my colleagues suggesting we do? That we hold up the entire government until we get tax breaks for the wealthy, the people who have done well, the people who have plenty of money, the people who, when they get a tax break, don't rush out to the grocery store or to the clothing store because they haven't had enough money to buy things.

That is what they want to do. It is hard to believe. It is hard to believe politics aren't at stake; that there aren't a group of very wealthy people who believe they made all their money all by themselves and they do not want to pay any taxes and that is what is pulling that party so far to the right.

My good friend from Tennessee talked about elections. I want him to come to the floor and tell me that in this election the electorate cried out: Give more tax breaks to the millionaires. Everyone knows they didn't. They said: Help the middle class. If our party had a fault—and I believe we did—we didn't pay enough attention to the middle class. But they are not going to convince us that because they won a few seats in the Senate and picked up the House that the election was a mandate to give more tax breaks to the people who need it the least—the millionaires and billionaires. Oh, no.

In fact, we are listening to the electorate far more than they are. We are saying: Give the middle class tax breaks and deal with the deficit not by preventing unemployment insurance from being extended, not by preventing the HIRE Act from being enacted, and not by preventing tax breaks for manufacturing or green energy. Oh, no. We want to do those things, and we want to deal with the deficit by not giving an extra huge tax cut to the millionaires and billionaires.

Here is another thing I don't want to hear from my colleagues, if they persist with this policy. I don't want to hear them say: The deficit is the reason we can't spend money on middle-



class needs such as education or transportation or unemployment insurance, because there are lots of middle-class people unemployed.

I don't want to ever hear that again. If they are willing to increase the deficit by \$300 billion or \$400 billion to give tax breaks to the wealthy—unpaid for—I don't want to hear about deficit reduction from the other side because they are not honest about it. "Deficit reduction" is code for giving more money to the wealthy and less money to the middle class.

I am somebody who believes in the American dream, and I think people who have made a lot of money in America are great. I think they are terrific, and they do create jobs. A whole lot of wealthy people—many of them—have inherited money, it is true, but many more made it by themselves. God bless them. But it is only a small percentage of the wealthy who are so eager to get a tax break when they know the country has so much trouble. Lots of wealthy people I speak to—Republicans in my State—say: You know what. I know the rates could go back up to what they were in the Clinton years for me, and I can afford it. If the money goes to a good purpose—improving our schools, building our roads or decreasing our deficit—I am all for it. So we are not talking about class warfare. We are talking about an economic problem America faces. Middle-class incomes are declining and they need a tax break. Upper incomes are greatly increasing and they can help reduce the deficit and improve America.

I have heard the economists whom my good friend from Alabama was talking about, and I believe that if you talk to them, they will also tell you that you get far more bang for the buck in other types of policies to get the economy going than in giving an additional huge tax break to the millionaires and the billionaires.

We are not going to stop. The Republicans have hidden for 15 or 20 years behind the idea of "don't increase taxes on anybody." Those are code words. It means, don't increase taxes on millionaires. That is what they care about. Because right now I have offered them a deal. Give everybody else the tax break except the millionaires. Are they going to take it? Of course not, because the millionaires come first in the economic books of my friends—most of my friends—on the other side of the aisle.

I remember when my Republican friends discovered the words "death tax." It had its effect in a way I didn't like, but it had its effect. Well, now we have the millionaire tax break. Millionaire tax. You know what. It is going to have the same effect, and we are going to finally be able to show America what the other party has been all about: tax breaks for the wealthy, above all—above the deficit, above helping the middle class, above creating jobs. The days of hiding behind the screen are over because the tax debate we are having now pulls back that

screen and shows exactly where my Republican friends are.

So again I repeat my offer. I see my good friend from Tennessee is on the floor. I would offer him, if he wants to improve this by Monday—here are more colleagues—I will offer this deal. We will take the tax break for everyone below \$1 million. Will you accept it—that is a great compromise—or are you going to say: Oh, no, we are holding out for the millionaires. Take it or leave it.

I can't speak for my whole party, but I can speak for myself and my colleague from Missouri and many others on our side. We can solve this problem tonight. Tax breaks for everybody else but not for the millionaires. Take it or leave it. You said you wanted to negotiate, here is an offer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. I thank the Presiding Officer, and I thank the Senator from New York for mentioning me.

There is a little problem with our negotiating. We weren't invited to the meeting. The Senator from New York and I were in the Capitol doing our work, tending to constituencies, while the President and the Democratic leaders and the Republican leaders were at the White House. They had a very constructive meeting, from what I understand, and they designated certain Democrats and certain Republicans to see if they could come up with a compromise.

One of those who might have been at the meeting may have just walked onto the Senate floor and maybe he can inform us, but the negotiations are continuing where they should continue. I was delighted to see the President invite the leaders down to the White House for such a good meeting. I know they have had some joint meetings before, but we are never going to get anywhere in the Senate where we have a relatively equal number of Members—as we now do or are now about to—unless we swap ideas. So I assume they are down there swapping ideas.

I assume they can read the calendar, and I assume they can remember that last year we were standing here in the worst snowstorm in decades in the middle of the night—1 a.m.—voting on bills nobody had read. I don't think we want to do that kind of thing again. So we Republicans have said, very simply, let's deal with the tax issue because taxes go up automatically at the end of the month, let's fund the government because it runs out of money on Friday, and then, if we have any time left, let's do whatever the Democratic leader would like to do.

If he wants to bring up the new START treaty, that would be fine. We would have time to debate it. If he wants to bring up a whole string of other things, that is up to him.

What would the terms of the tax agreement be? I guess it will be whatever that group who discusses, our ne-

gotiators, come back with. If the President were to say, for example, he agrees with his former Budget Director, that raising taxes on anybody in the middle of an economic downturn makes it harder to create jobs—and in my words, therefore, makes no sense—he would probably get a welcome response on our side.

So while the Senator from New York is one of the most skillful debaters and negotiators anywhere on the planet, and he would be very good in any sort of discussion on taxes—he is a member of the Finance Committee, and he is chairman of the Rules Committee—he wasn't in the meeting and neither was I and those in the meeting are having the discussion and they will make a recommendation. My hope is they make a recommendation that permits tax rates to stay right where they are because raising taxes on anybody in the middle of a recession is a bad idea because it makes it harder to create jobs.

Mr. SCHUMER. Mr. President, through the Chair, may I ask my good friend from Tennessee a question?

The PRESIDING OFFICER. Will the Senator yield for a question?

Mr. ALEXANDER. I will be happy to yield for a question.

Mr. SCHUMER. Mr. President, I understand we are not in the negotiating room right now, but he and I are both in the leadership of our respective parties. We are good friends. I have tremendous respect and admiration for my friend from Tennessee. I do. I think he is a fine man, and we have passed some good legislation together. So I understand the negotiators are doing their negotiating, but we might be able to help.

Again, I repeat my offer: Will my colleague—just he and I can agree. That might break the ice. We will give tax breaks to everyone—Bush tax cuts—below \$1 million. We will continue their capital gains rates at the same rate, we will continue their dividend rates at the same rate but not the people above \$1 million because, as I mentioned, their incomes are doing fine. Most economists will tell you it is a highly inefficient way to get jobs or money flowing into the economy. Unemployment insurance, which my colleagues insist be paid for, is much better.

Let just he and I agree that that is a good idea, a good starting point. Will he?

Mr. ALEXANDER. Mr. President, I am delighted to hear the eloquence of the Senator from New York. As I was listening to him I was reminded that most of the people whose taxes he is trying to raise live in New York. They are not in Tennessee. We are a relatively low-income State. So I admire him for his courage—it is almost a tax earmark to be so specific that we are going to raise taxes on just a small number of people, most of whom live on Wall Street and in New York. That makes a pretty good line.

But what I agree with is what I repeatedly said, what the Republican leader said, and the former budget director said. Let me just say it again because it makes very good sense, and I think most Americans would instinctively agree with this. We are in the middle of a very severe economic recession. We have had more than 9.5 percent unemployment for 16 out of the last 17 months. We have only had 30 months in modern history where we have had unemployment that high. Almost half of those months have been lately.

Making it easier and cheaper to create private sector jobs should be our main objective. Almost every economist—the President's former budget director, almost everyone who has looked at this—says raising taxes on anybody in the middle of an economic downturn makes it harder to create jobs.

We may want to have a big argument when the economy recovers about whether people in New York should pay more and people of more modest means in Tennessee should pay less. We could have that argument at some point. But what we are saying is at the end of the year, taxes are going up, almost everyone except some on that side seem to agree that it makes it harder to create jobs if we raise taxes on anybody. We are saying let's not raise taxes on anybody. We want that permanently. But most of us are saying, if we would do what Mr. Orszag says, that would have wide support here.

That is our position. We respect the position of the Senator from New York. Maybe someday we will have a debate about what the permanent tax rates ought to be. But right now the goal is to make it easier and cheaper to create private sector jobs. The single best thing we can do is keep tax rates where they are before they automatically go up at the end of the month.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank my colleague from New York and my colleague from Missouri who was here a moment ago and all those who came to the floor to talk. I assume my colleagues are aware of the fact that all across America there have been cable TV subscribers who have been calling in and asking for a refund because when they turned on C-SPAN to see the Senate they saw an empty Chamber and nothing going on, and at least now we give them a little activity on the Senate floor. But, unfortunately, that activity is not going to lead to anything meaningful. The Senator from New York even offers a legislative idea that doesn't seem to be greeted by any applause on the other side or any counteroffer of any conciliatory magnitude.

I was at the meeting the Senator talked about yesterday, and it was a historic meeting with the President and Senator KYL, Senator MCCONNELL, Senator REID, myself, the President,

the leaders of the House, as well and some members of the President's Cabinet—Secretary Geithner, for example. Vice President BIDEN was there.

I would say the reports generally have been accurate, that the President said: I want to change the environment, I want to change the dialog, I want there to be more meetings like this, open to suggestions from the other side about how we can work together and solve the problems facing our Nation.

Then the President did something which those of us who have been fortunate to visit the White House once in a while really considered to be rare. He stood up and said: I would like to ask the elected Members and the Vice President to come with me to my private dining room off the Oval Office.

We went in and had another cup of coffee and in a much more isolated and private setting had an even more candid conversation. I really felt good at the end of it. I felt we were starting at least to develop the kind of dialog the American people asked for in the November 2 election.

The President asked us, Senator REID and some others: Pick someone and let's sit down and talk about this tax situation. Let's try to find some common ground if we can, and I understand the group met this morning and again this afternoon. It is all, from my point of view, a very positive development and good for our Nation.

But what troubles me, I say to the Senator from Tennessee, is this letter. I see the letter is dated November 29, so it started circulating even before this peacemaking meeting we had. It seems that this letter which was sent to Senator REID is basically an ultimatum. The ultimatum is, we are not going to do anything on the floor of the Senate until we act on the tax measure and funding our government—nothing. It says basically that your side, the Republican side, the 42 Senators who signed it, are going to object to moving to any other item of business—anything.

Now we are back into the cable TV problem, where people are going to see this empty Chamber and wonder why, with all the things we could be doing in the Senate, why we can do nothing—nothing whatsoever, according to this letter—until we reach an agreement on the tax issue.

I think we all concede the fact that we need to do it. We all concede the fact we need to fund the government. But what is the point? Really, if we are going to draw a paycheck for coming into the Senate, shouldn't we at least do the people's business? Do we have to sit here with empty desks and an empty Chamber and quorum calls day after day because of this threat that says: Don't try to bring up another issue?

It strikes me as odd. I know the Senator from Tennessee is an industrious man. He served as Secretary of Education. He was a Governor. He plays

the piano. The man sings songs. He has more talents than most people I ever met. To think you would want us to just do nothing—nothing on the floor of the Senate.

The Senator from New York has offered an idea—I think a reasonable idea. Let's agree. Let's agree that people making \$1 million or less will have the same tax cuts that they had before, no questions asked, to invigorate the economy. But let's say to Paris Hilton and Bill Gates and Warren Buffett, no; you are not going to get a \$100,000 tax cut each year. If you make \$1 million, that is the average. We don't think that really invigorates the economy.

I would add as a postscript to what the Senator from New York raised, wouldn't it be reasonable for us also to say if we are going to give tax cuts to the wealthiest people in America, and add to our deficit in the process, shouldn't we help those who are unemployed in Tennessee—I see the two Senators from Tennessee—or Wyoming—I see the Senator from Wyoming is here—or Minnesota or Illinois? Do you think it is right for us to cut off unemployment benefits for people in the midst of this holiday season?

There are 127,000 people in the State of Illinois who will lose their unemployment benefits this month. Merry Christmas.

I know what those people receive. It is about \$300 a week. I don't know any of us who could survive on that. They try, they try to keep going. Yet we cut them off. There have been efforts on the Senate floor, unanimous consent requests to fund the unemployment benefits for another year, objected to by the Republican side of the aisle.

I find it hard to follow the logic on the Republican side that we cannot afford to help those who are out of work through no fault of their own but we can afford to give a tax break, a huge tax break to Warren Buffett—who is not asking for it, incidentally—Bill Gates, Paris Hilton, or any of these others. I don't follow the logic.

I think, although the Senator is fervent in his belief that tax cuts are the key to prosperity—some of us may question how much they are the key—it really is fundamentally unfair that those who are unemployed would face this kind of problem.

I am going to make a unanimous consent request on another issue that I think will help create jobs. It will save jobs in Tennessee and Wyoming and Illinois and Minnesota, and it relates to something that is not new because it is already on the calendar. For those who want to follow this and say where is this coming from, turn to page 73, the Calendar of Business of the Senate, and go to order No. 578, S. 3816, a bill I introduced with others to amend the Internal Revenue Code of 1986, create American jobs, and prevent offshoring of such jobs overseas.

It was actually read the second time and placed on the calendar September 22 of this year. It relates to something

which has affected the Senator's State and mine. When a company in Tennessee decides to send jobs overseas, to close down a local production facility, and to ship those jobs and that production facility to another country—China, Mexico, wherever it happens to be—we reward them. We give them tax benefits and tax deductions to help facilitate that decision.

Many of us believe that is upside-down. If a company thinks it is in its best interest, profit motive and best interest to locate overseas, so be it. Let them make that decision. But we should not encourage it. We should not subsidize it. We should not reward it. The reward should actually go to the many businesses that stay in Minnesota and Illinois and Tennessee and Wyoming, hiring American workers, paying them a decent wage and giving them basic benefits and retirement. That is where the reward ought to be in the Tax Code. It should not be in the area where we are creating tax incentives for companies to move jobs overseas.

If the economy, prosperity, and jobs are really the No. 1 goal here—I think they are, and I think they should be—then let's change this provision in the Tax Code. That is what this does. It tries to slow down the exodus of jobs from the United States. It will save jobs in Tennessee and save jobs in other places as well. This provision called "Creating American Jobs and Ending Offshoring Act" that I introduced with Senators HARRY REID, BYRON DORGAN, and Senator SCHUMER is a simple bill with three common-sense provisions.

Let me describe it before I make the unanimous consent request. I will be brief.

First, we make two changes that discourage U.S. companies from giving out pink slips to Americans while they open their doors abroad. We will say to firms: If you want to shut down operations here and move them somewhere else, we are not going to let you take tax deductions on the shutdown expenses.

We also say to firms: If you want to sell your products in this country, we are not going to let you start making those goods abroad, ship them back to this country, and avoid paying taxes on your profits.

Second, we make it more attractive for companies to bring the production of goods back home. We say to firms: If you bring jobs home from another country, you don't have to pay your share of payroll taxes on those U.S. workers for 3 years, repatriating jobs from overseas back into the United States. It is not radical, it is basic.

There are a lot of folks who defend this loophole I am trying to close: the Chamber of Commerce, National Association of Manufacturers. They oppose this. Republican leaders have spoken out in the past against it, but I think these two brilliant leaders from Tennessee on the floor of the Senate are

not going to join that group. They are going to stand by their workers and companies from Tennessee. I am sure of that when I make this unanimous consent request.

So I hope they will join me in this effort. With this measure we can literally bring to the floor of the Senate a measure which will help save American jobs and create American jobs. We can debate it and get it over for a final vote in a matter of hours, and we can still have negotiations going on about taxes. We can walk and chew gum in the Senate. We can do more than one thing at a time. We should not be victims of an ultimatum that says: You will either do the tax cuts and funding the government or else.

So I am going to make this unanimous consent request that the Finance Committee be discharged from further consideration of Calendar No. 578, S. 3816, the bill be read three times and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and that any statements be printed in the RECORD.

THE PRESIDING OFFICER. Is there objection? The Senator from Tennessee.

MR. CORKER. Mr. President, I reserve the right to object and say, as is the Senator from New York, the Senator from Illinois is most eloquent, and I always enjoy listening to his comments. I agree with him that many attributes regarding the senior Senator from Tennessee are all true—and many more, I might add. He is a multitasked person.

But I say the President's commission on deficit reduction actually is addressing this issue.

And they have actually made many bold steps in trying to address the many deficit issues, the tax expenditure issues which cause our country, in many cases, not to be as competitive as we could be around the world. So knowing that it is imminent, that this group is meeting on Friday, I object.

I would like to say for the C-SPAN watchers that there is not really much happening on the floor right now that matters. I would agree with the Senator from Tennessee, the senior Senator, that there is a great negotiation that is taking place, and I applaud the President for bringing members of both parties together. I think there is a lot of activity.

I just came in from the hallway. I know one of our negotiators was rushing to a meeting. I know that in a meeting about an hour ago, he had to step out because the President had called regarding this very issue we are talking about regarding taxes, regarding keeping the government operating. So I think there is work taking place in the Senate. I know there is work looking at nuclear modernization, and there is all kinds of activity throughout the course of this building and other buildings adjacent. It is just that here on the floor, we have somewhat of a charade taking place while that is occurring.

So I look forward to fruitful activity. I think most Americans realize that on Friday, our government is going to shut down, and I think what Republican Senators have said is that we think it is important that we deal with actually funding our government so it continues to operate past Friday. We think it is important to deal with the tax issues since forms are going out across our country—some have already gone out, as a matter of fact—and Americans want to know what they are going to be paying as it relates to tax rates.

And actually, what the letter said is any legislative item. I think the Senator from Illinois, whom I greatly respect, knows full well that things such as the START treaty are not legislative items, they are executive items.

That was excluded in our letter on purpose so that in the event the START treaty wanted to be brought to the floor by the leader, it could be brought to the floor. I know the President has said this is something of great national interest.

So all we are trying to do is prioritize. We know any debate that is taking place on the floor right now over taxes has no real meaning. The real debate will take place after these negotiators finish their discussions. I think, again, they are being done in a very fruitful and earnest manner, and after that the debate that takes place will be real. We will be talking about something we have given leaders of each party the ability to negotiate. So that is when the real debate will take place. I hope the C-SPAN watchers who were alluded to will actually tune in at that time. All of this discussion now is really not nearly as relevant as what is happening in other places. I think there is a lot of work taking place.

I would just add that I think all of us on our side have been watching as the majority party has met for hours and hours and hours each day trying to figure out what they feel should come to the floor. And we understand that. But I think what we have said is that instead of debating things that could be well debated next year, that do not have the urgency of causing government to continue to function, when you have two wars underway and you have all kinds of issues that need to be dealt with, we have said: Please, we ask you to prioritize. Let's deal with those most important issues first. If you want to bring up the START treaty, that is not a legislative item, that is an executive item, bring it up. But let's deal with those issues that are most important to the American people first. If there is time to deal with all of these other issues, certainly after that is done, we would be more than glad to stay as long as the other side would like to debate all of those issues.

I thank you for the time to speak. I thank the Senator from Illinois for all of the kind comments he has made about the senior Senator and me. I

thank him. I thank him for the leadership he shows on the other side of the aisle.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. Mr. President, I wanted to give my friend from Tennessee time to make his objection in its entirety. I thank him for that. I am glad he clarified the fact that we could bring the START treaty to the floor. I sincerely hope we do. I think it would be a serious mistake for us to leave Washington for the holiday season without voting on that treaty on the floor.

This is a treaty which the President has worked on and which is supported by previous administrations, Democratic and Republican. It is an effort to reach an agreement with the Russians. It should be based on a premise that most Republicans applaud because it goes back to an earlier statement by President Reagan that we should "trust but verify." The fact is, for over 1 calendar year, we have not had any inspectors on the ground in Russia to verify the safety and treaty compliance of their nuclear weaponry.

Senator LUGAR, on that side of the aisle, a man whom I greatly respect, supports this treaty, and if there is one person in the Senate who is probably more expert than any other when it comes to this issue of nuclear weapons, nuclear weapon control and modernization, it is Senator LUGAR of Indiana. He supports this treaty and wants it to come forward. I hope Senators feel he is right. I think he is.

I hope we can do this. The notion that we do not have time—I said at an appearance a few days ago that we had time to create the Department of Homeland Security in a lameduck session because two extraordinary Senators—SUSAN COLLINS of Maine, a Republican, and JOSEPH LIEBERMAN, then a Democrat of Connecticut—worked overtime to put together a bipartisan bill which we considered in a lameduck session and literally reorganized the intelligence structure of America. It was an amazing undertaking and one I believe has served us well. We did it in a lameduck session, and no one stood up and said: I object; do not go forward. I object; I need 2 weeks. People really worked together to get it done.

We can do it in that same spirit when it comes to the START treaty. Let's get that done. Let's get the tax provision done. Let's get funding the government done. And let's get the START treaty done before we go home. We can do this. We are capable of doing this. But an empty Chamber and empty desks and no Senators on the floor will not achieve that.

I am glad the Senator clarified that he is not stepping in the way of considering the START treaty with this ultimatum that was sent out from 42 Republican Senators. I wish we could do a few other things, too, such as extend unemployment benefits, but apparently there is an objection to that.

So I hope we can work forward from this point in a more positive way. I

truly value my friendship and the fact that I can serve with these two fine Senators from Tennessee. Although I spent a lot of time extolling the virtue of the senior Senator from Tennessee, I guarantee you, next time, I will extoll the virtues of the junior Senator so that he has a positive feeling about our relationship.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, if I can just briefly indulge, I wish to thank the Senator, and actually, based on his closing comments, I think he may have actually signed the letter himself had it been presented, because I agree that we should fund the government, we should deal with the tax issue, and that if we did that, there would be ample time to deal with the START treaty. It is not to say we do not want to deal with all of those other issues; it is to say: Let's prioritize based on those things that are of most national significance.

The issue he recalled regarding homeland security was of national significance at the time. I think most Americans would agree that making sure the government functions beyond this Friday is of national significance.

So I thank him for his comments. I thank him for his good humor and tone.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I also rise to talk about the importance of creating jobs and how the Republican plan is the exact opposite. We have on our desks this letter that was put forward that says there should be tax cuts for all Americans. Well, you know what, that is the Democratic plan. That is the plan we have been putting forward that would create tax cuts on the first \$250,000 that every single American makes. But if you scanned the letter the Republicans signed, you find in the fine print, down there in the third paragraph that, no, it is not tax cuts for all Americans that they want; they want a version that creates bonuses, paid by the taxpayer, for billionaires. Bonuses for billionaires. That is the only version they want to see debated, the only version they say they will vote for, and it is the sole goal they put as an obstacle to every other important piece of legislation to get America back to work.

We have been trying so hard this year to get job-creation bills on the floor of the Senate, and we have endured a recordbreaking number of filibusters.

When I came here as an intern back in 1976, bills were passed by majority vote. Upon rare occasion, someone would say an issue is so important as to obstruct the Senate. But not our Republican majority. Not this year in 2010. Not last year in 2009. No. My colleagues have said: It is our goal to paralyze the Senate. It is our goal not

only to prevent legislation from occurring but to damage the executive branch by obstructing nominations in unprecedented numbers and to damage the judicial branch by obstructing nominations.

This attack on the American system of government has gone way too far, and now my friends across the aisle say: Unless we get bonuses for billionaires, paid for by the taxpayers of the United States of America, we will block every effort to create jobs in this country. At some point, it needs to be said on the floor of the Senate—and so I am saying it now—that is simply wrong. It is misguided to put the top priorities to be billionaire bonuses. I think the American public weighed in on this in the discussion over Wall Street. It is wrong to fund those bonuses out of the pockets of working Americans who are paying their taxes, and it is certainly wrong to bring this body to a standstill once again in order to get those bonuses for billionaires.

I would like to ask my friends across the aisle to reconsider the substance of their vision for America, a vision in which ordinary workers fund extravagant bonuses for the richest Americans—how big a bonus? An average of \$100,000. Now, I can tell you, in my working-class neighborhood, there are very few people who earn \$100,000 a year. There are folks who might not earn \$100,000 in the course of multiple years because they are working for minimum wage. They may be earning, if they can get a full-time minimum wage job, \$16,000. If they are working two jobs and their spouse is working, maybe they can bring home \$30,000 or \$40,000.

So I would suggest that stopping the business of the Senate to create a \$100,000-per-taxpayer bonus—and I say "bonus" because it is on top of the tax cut they would get under the Democratic plan—is simply completely out of touch with the challenges faced by ordinary working Americans who are trying to make ends meet, who would like to see us spend the funds in our Treasury to create jobs because they know the best program for any single person is the opportunity to have a living-wage job. It not only creates the finances that shore up the foundations of the family, it creates a sense of pride, it creates a sense of work ethic, it provides a strong example to our children, it builds a family. But a \$100,000 bonus for the richest Americans does not build those financial foundations for working Americans, and funding it out of the pockets of the working Americans is absolutely one of the most diabolical plots I could have ever imagined—in fact, I couldn't probably have imagined. If it would have been in a novel that my colleagues are bringing the work of the Senate to a stop in order to do \$100,000 bonuses for the richest Americans, funded by the rest of the taxpayers, I would have said: No way. That plot is beyond anything that could possibly happen on the Senate

floor. But today we have it right here in writing that it has to be the billion-aire bonus plan or none at all.

But at any point, the Senate can, by unanimous consent, come back to its senses and pursue that which builds our economy, builds opportunity for working Americans. There have been a host of bipartisan bills that have said: There is a strategy that is estimated to create more jobs than any other per dollar invested, and that is low-cost loans for energy-saving renovations. This core idea recognizes that very few of us can go out and put double-paned vinyl windows in our house or full insulation in our house because we do not have the money in our bank account for the upfront costs. But if we can get a low-cost loan, then we can, in fact, pay for those vinyl windows out of the savings on our electric bill.

This basic concept is a concept now embodied in the HOME Star bill, a bipartisan bill. It is the basic concept embodied in the Building Star bill, which aims more at commercial buildings. It is the same basic concept embodied in the Rural Energy Savings Program, which is not only a bipartisan bill but is fiercely advocated for by our rural electrical co-ops that understand this would be a tremendous value to Americans in rural America. Knowing we can bring the Senate back to do good work through unanimous consent, I am going to ask for such unanimous consent.

I will start with a bill, which is the rural energy savings plan bill, supported by rural co-ops across America so rural Americans such as those in rural Oregon, such as those in rural Illinois, such as those in rural Tennessee, such as those throughout rural America everywhere can pursue these low-cost, easy-to-arrange loans through their local electric co-op. One of the reasons people get excited about this concept is, it is not just about the fact that your house now functions a lot better with these energy-saving renovations. It is not just about the fact that now the monthly cost of your electric bill or your gas bill goes down, often more than your loan payments would be, but it is the fact that through this kind of conservation, we actually create jobs—installation jobs and jobs producing the products for those energy-saving installations. Because virtually every aspect, from caulk to pink fiberglass to double-paned windows, is made here in America, manufactured in America. So people know they are not only creating jobs locally, but they are creating jobs in manufacturing America. If we don't build things in America, we will not have a middle class in America. People understand this at their core.

There is something else they like about this. Every time we address our energy needs domestically, we are decreasing our demand for foreign oil. Why does that make Americans smile? Because we would rather have red, white, and blue American energy and

American energy savings than import oil from overseas. When we buy that oil from overseas, the money goes out of the economy. It doesn't go into the local grocery store. It doesn't go into the local retailer on Main Street. It doesn't build the financial foundations of American families. It goes to places such as Iraq and Saudi Arabia and Nigeria and Venezuela. What is happening with the money that goes overseas to places such as that? Some of it ends up in the hands of terrorists who oppose our policies around the world.

It has been said by national security experts that our current wars in Iraq and Afghanistan are the first American wars where we are funding both sides. What they are referring to is our purchase of foreign oil. So when we engage in energy savings here, we are doing what is right for our economy and for our families and for our national security.

By the way, these types of jobs cannot be shipped overseas, installation cannot be shipped overseas. Not only are the materials made in America, the installation can't be shipped overseas. It is the perfect strategy to help address the challenges in our current economy. That is why I have some hope my colleagues across the aisle will join in this unanimous consent to get this bill done so we can help folks in rural America get back to work, improve their homes, shore up their financial foundations and, in the process, improve our national security.

I ask unanimous consent that the Agriculture Committee be discharged from further consideration of S. 3102; that the Senate proceed to its immediate consideration, the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER (Mr. BEGICH). Is there objection?

Mr. ALEXANDER. Mr. President, reserving the right to object, there must be something about the interval between the Thanksgiving holiday and Christmas and the effect it has on our Democratic friends. Again, this year, as they did last year, they begin to disappear for hours at a time into a room together, without any Republicans or any other kind of person there to talk and they get excited about issues and they come together. They persuade each other that they are right, and then they rush to the Senate floor after several hours and offer a bill of the most urgent kind. In this case, it is about double-paned vinyl windows. Here we are. The Senator from Oregon, a good colleague, a distinguished friend—this may be a good bill, but he is asking by his request that we not debate, that we not amend, and that we just pass it.

He is saying, at the same time, that this must be the most urgent thing before us. When he is finished with his other matters, I wish to say a little bit

more. But let me reiterate what I have said over and over again. We have suggested to the majority leader that we focus on dealing with funding the government first, since we run out of money Friday, and deal with the tax issue next since taxes automatically go up the first of the year. After we have done those two things, we move to whatever the majority leader brings up. He may wish to bring up the new START treaty. He could bring up the new START treaty today. We said nothing about that in our letter. So all this talk I just heard has nothing to do with our letter, with what has been said on the floor.

I will have more to say about that in a moment. But we should fund the government, keep tax rates where they are. Then I think what the American people said to us was: Go home, bring this new Congress back, and let's begin to deal with the debt. We have a report of the debt commission coming out. We should be making it easier and cheaper to create private sector jobs. The best way to do that is not to raise taxes on anybody in the middle of an economic downturn. That makes it harder to create jobs and makes no sense. We want to do that first. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MERKLEY. Mr. President, I appreciate that my good friend from Tennessee rose to defend his caucus's letter. I certainly enjoy working with him. Here I am talking about energy efficiency. We have had the pleasure of working together on a bill that is about deployment of electric cars that can save enormous amounts of fuel and have many beneficial effects that I have been speaking to in regard to the importation of foreign oil, cutting off that flow of oil from abroad, and the American money that goes out to buy it. I certainly treasure that relationship, that working relationship. But we couldn't have a more different perspective. We couldn't have a broader disagreement on this issue. I have noted that the Democrats have laid out a plan that provides tax cuts for all Americans. But my good friend from Tennessee just noted he wants the version that has no increase on anyone.

What he didn't explain—but I will—is that the difference between the two is additional bonus tax cuts for the richest Americans. Those are the tax cuts that are \$100,000 per person. Those are the tax cuts that will create a \$700 billion addition to the national debt over the next 10 years. When I have families who are struggling to get by on the best jobs they can find—and those jobs are paying near minimum wage, and they are lucky to make \$16,000 to \$20,000 a year, if they can find a minimum wage job—is it justifiable to give bonuses paid by other taxpayers or by additional debt on our children to the richest Americans to the tune of \$100,000 each? I would say, no, that is a bad decision. In that regard, we are coming from different places.

I can tell my colleagues, if there is something in the air in this period between Thanksgiving and Christmas, it is that it further increases or should increase our connection to the fact that American families are suffering. They need jobs, and it is our duty to create them, not our role to charge working Americans so \$100,000 bonuses can be handed out to the richest Americans.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, if I could reflect for a few minutes on what we have heard. There is a lot of passion in the Senate. This is actually a place where there is supposed to be. We come here to debate the most important issues that are before us. Let me talk first about what Republicans have suggested. I have said this a few times during the debate, but I wish to say it again. We have suggested setting priorities in the Senate. We have a right to be heard. There are 42 of us now. There will be 47 after January. It is not our voices. It is the voices of the American people. They expect to be heard. Just a few weeks ago they said to us and to the entire country:

We have had a government of too much taxes, too much debt, too much spending, and too many Washington takeovers. We would like Members of Congress to focus on making it easier and cheaper to create private sector jobs, No. 1; bring spending under control so we don't have such a debt, No. 2; and be smart about terror, No. 3. That is what we would like to do.

This lameduck session is a period after an election where people usually listen to the voters. So our recommended view is we should keep the tax rates where they are, fund the government, consider the debt commission's report, which we hope to receive this week, and go home and bring the new Congress back, which was just elected, to begin to deal with jobs, debt, and terror.

If the President feels it is sufficiently important for the new START treaty to be dealt with before Christmas, his majority leader can bring it up any day he wants to. He has a right to do that tonight, this afternoon. He can put it on the floor, and we can have several days of debate. But remember, the government runs out of money Friday. Tax forms are being filled out because taxes automatically go up in January for almost everybody, and we are saying: Why have we waited so late to deal with this? Let's do it.

There is nothing wrong with priority in government. In fact, I respectfully suggest that for the last couple years the lack of priorities has been a big part of the problem. We have had a lot of very smart people in the government, but managers, leaders usually say: Here is the most important thing. Let's work on it until we fix it.

We do not have to go far back in history to have General Eisenhower, run-

ning for President in 1952, saying: I shall go to Korea. He did not announce 23 different things he needed to do. He said: I shall go to Korea. In October he said that, and in November he was elected. By the beginning of December he was in Korea, and he said: I shall spend my time on this until I get it done, and the people of the world and of the United States believed in him because they knew that a President of the United States who throws himself into almost any subject, with as much as he has for as long as it takes, can get a pretty good result.

We should be doing that with jobs. There is no magic formula on that. But virtually every economist who has testified—either those called by the Democrats or the Republicans—have said to us this simple fact that I bet most Americans would agree with: Raising taxes on anybody in the middle of an economic downturn makes it harder to create jobs. If our No. 1 priority is to make it easier and cheaper to create private sector jobs, raising taxes makes no sense as a policy. That is our position.

We would like for those tax rates to be permanent. The President's former Budget Director, Mr. Orszag, after he left the President's employ just a few months ago, said: Well, perhaps a 2-year extension of the current tax rates would be a good idea because it does make it harder to create jobs. He is aware, as all of us are aware, that for 16 out of the last 17 months unemployment has been at more than 9.5 percent.

So it is all right to consider a bill to deal with double-paned windows, but when tax rates are going up on everybody in America, including the job creators, if we want to take a step toward making it easier and cheaper to create private sector jobs, not more government jobs, we need to keep the tax rates right where they are right now and send that signal to the American people. All we are saying to the Democratic majority is, let's do that first, let's fund the government, and then let's go to the other issues.

The President, to his great credit, had a meeting yesterday which had a decidedly different tone to it. I had been mystified by the relationship of the President and the Republican leader over the last 2 years. I came up here 40 years ago in the Senate as a young aide. I remember Senator Howard Baker's story of when he first came here. I was his legislative assistant. He said he was sitting in there in the Republican leader's office, the phone rang, and it was President Johnson calling Senator Dirksen. He heard Senator Dirksen say: No, Mr. President, I can't come down and have a drink with you tonight. I did that last night and Louella is very mad at me.

Then, about 30 minutes later, there was a big rustle outside and the noise came up and two beagles came through the door with the President behind them and the President said to the Re-

publican leader: Everett, if you won't come have a drink with me, I will have one with you.

David Gergen told me that President Johnson called the Republican leader at 5 o'clock almost every afternoon. That was the kind of relationship they had.

Yet for the first 2 years, the current President and the Republican leader had only one one-on-one meeting because the whole attitude around here was: We won the election. We will write the bill.

So you jammed the health care law through last Christmas, which nobody had a chance to read, feeling pretty good about it. So there have been immediate, multiple efforts to repeal it from the day it passed.

Compare that with the relationship 40 years ago when the civil rights bill passed. It was written in the Republican leader's office, even though the Democratic majority was large and the President was a Democrat, because they not only wanted to pass it, they wanted it to be supported by the country. When it was passed, even though Senator Russell, for whom one of the buildings here is named, had opposed it for years—the Civil Rights Act of 1968—he went back to Georgia and said: It is the law of the land. We should enforce it, because he respected the process by which it had been done.

So this attitude that we won the election, we will write the bill, we will jam it down your throat whether you like it or not—that was the last 2 years, but that is over. When 47 Republicans come in, it is going to be a balanced Senate. There is going to be a change toward more balance, and that is an important part of what the American people voted for just a few weeks ago.

The President, to his credit, recognizes that. He had a meeting yesterday at the White House which had a decidedly different tone to it. Everybody who was a part of it says that, both Democrats and Republicans. One thing they talked about was taxes. We have to deal with it. So they formed a little group, and they are busy trying to work that out. The other thing is fund the government. We run out of money Friday. We are busy trying to work that out.

On the New START treaty, senators have very strong opinions: Senator KYL, Senator CORKER, Senator LUGAR. We respect the President on matters of national security, and if he says something is important, it is important to us, even if he is a Democratic President and we are Republicans. So the majority leader may want to bring that up. But he is the majority leader. It is up to him to bring it up. We cannot do that until we have the majority, which we hope we do someday. So he can bring it up.

So we have said: Let's set a couple of priorities around here: deal with taxes, fund the government, and then if there is time left, Mr. Majority Leader, bring



up what you want. If you want to bring up a bill about double-paned windows, that is fine. If you want to bring up don't ask, don't tell, that will take a week of debate. If you want to bring up a bill about this, that or the other, that is fine. You set the priorities.

There is one other thing I heard during this discussion: Why aren't we working?

I will tell you why we are not working. It is because of the schedule of the Democratic leader. Forty times he has brought up legislation, and then he said there will be no amendment and no debate. That is like having the Grand Ole Opry open and saying: There will be no singing. That is what we do. We offer amendments. We debate on behalf of the American people. This is the only body in the world where you have unlimited debate and unlimited amendment.

When you bring up any bill, whether it is the double-paned windows bill that was so urgently presented a moment ago, whether it is the New START treaty, which has to do with our nuclear modernization and our national security, we bring it up, hopefully, after it has had careful consideration by the committees, where the military experts and the foreign policy experts have weighed in, and then we have a debate and everyone gets to offer their amendments and everyone gets to say what they think about those amendments. If we have to stay Monday night, we should stay Monday night—and Tuesday night and Wednesday night and we can even stay Friday. We have not voted on one Friday this year. That is not because of the Republican schedule. We are not in charge of the schedule. So, why is there nobody here to debate? Because there is nothing to debate. The Democratic leader brings up a bill and then he says there will be no amendment and no debate.

My hope is that as a result of this more evenly balanced Senate and the good will of the Democratic leader, whom I greatly respect, and the Republican leader—he and Senator REID are very much veterans of the Senate. They respect this institution greatly. I would like to see us get back to the point at which we were not very long ago.

I can remember the Senate in the days of the late Senator Byrd and Senator Baker, with whom I first came to the Senate as a staff member. They basically had an agreement that worked like this: Senator Baker was majority leader for 4 years, Senator Byrd majority leader for 4 years, but they led their parties for 8 years. When they did, Senator Baker would say to the committees: Don't bring a bill to the floor unless it has the chairman and the ranking minority committee member both agreeing to it. Then, when it came to the floor, they would say: All right, let everybody offer their amendments. There might be 300 amendments. Then, after a while, they would offer a motion to agree to have no

more amendments, and usually they would get that. Then they would, by discussion, narrow that down to a number and then people would get their amendments. You might have to be here late one night. You might have to be here Friday. You might have to be here Saturday. Senators would say: Well, I wonder how important this amendment is. But the American people were heard on the floor of the Senate.

So it is my great hope that in the new Congress, where there will be a relatively even number of Senators—Democrats will still be setting the agenda, they can bring up whatever they wish—I would hope what we agree to do is to go back to this body being what it was and can be and should be.

We have 16 new Senators, 3 of them Democratic, 13 Republican. They ran for this office in very difficult races. It is not easy to do these days. They are here not just for their voices to be heard but for the voices of the people of their States to be heard—for the people of Kentucky, for the people of Wyoming, for the people of Pennsylvania, for the people of Delaware. They want to be heard here.

If we bring up the New START treaty or the double-paned window bill or the tax bill or whatever it is, the Senator from Delaware, the Senator from Pennsylvania, the Senator from Tennessee ought to have a chance to amend it, ought to have a chance to be heard. Then, after we do that, we can decide: OK. That is enough of that. Let's have a vote.

That is the way we do things. I think we can do that. I have seen it happen time and time again. We did it on the energy bill. We tried it on the immigration bill. Sometimes it works; sometimes it does not. It is a great way to legislate. So it would again be a joy to be a Member of the Senate.

This period between Thanksgiving and Christmas is not a great time to do very much. We have been here for 2 years. We just had an election. We are waiting for the new Members to come. They have their marching orders. I said to some of my friends the other day: My friends on the Democratic side keep insisting on an encore for a concert that drew a lot of boos.

I think what most Americans would like for us to do is keep the tax rates right where they are, fund the government before it runs out of money, consider the proposals for reducing the debt, and go home. If the President thinks it is important for us to deal with the New START treaty before Christmas, then he might say a word to the Democratic leader that after we deal with taxes and fund the government, that maybe that ought to be the next order of business instead of the double-paned window bill or any other variety of bills, all of which may be fine legislation. But you just do not walk in here 3 weeks before Christmas with some bill with nobody here and ask it be passed by unanimous consent.

That is not the way the American people want us to do business, and that does not give this body the respect it deserves.

So I greatly appreciate my friends on the other side and their passion for their point of view. I respect that passion. I think one of the cardinal rules of this body is never to question the motive of another Senator and always to respect the passion and point of view of another Senator. But I would like for us to get back to the point where you bring up something and we debate it—not you bring up something and you cut off amendments, you cut off debate, and then you do not do anything for a week. That is why nobody is here.

I will conclude with these remarks, by just restating our position. We sent this letter at the beginning of the week saying that the 42 Republican Senators want to use our voices to say that first we should fund the government, since we run out of money by the end of the week, and, second, we should deal with taxes so we can prevent a tax increase on anybody in the middle of an economic downturn. Then we should go to any other legislative item the majority leader wishes. Of course, he is free to bring up something like the New START treaty any time he wants to.

That seems, to me, to be a very reasonable approach, presented at the right time, in the right way, during a time when the President and the Republican and Democratic leaders are meeting together, when negotiations are going on about what the tax bill might be, when discussions are going on about how to fund the government, and when we are all in meetings right through this stretch about whether we are modernizing our nuclear weapons sufficiently so we can, in good conscience, vote to ratify the New START treaty.

Those are the most important issues, and that is what we should be talking about this month.

I thank the Presiding Officer and yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. LEMIEUX. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### JOB CREATION AND SPENDING

Mr. LEMIEUX. Mr. President, I rise today to talk about the issues and the topics this body badly needs to get to. Just a month ago there was an election in this country, and the people of this country spoke loudly and clearly. What they said is they wanted this Congress to focus on two things: No. 1, they wanted us to focus on creating jobs. This is the most difficult economy anyone who is working now has ever had to experience.

In my home State of Florida, unemployment is nearly 12 percent. If you figure in all the people who are underemployed—who have lost their job and now must work two or three jobs to make even less than what they used to make to barely get by, to provide for their families—nearly one out of five people of working age in Florida are unemployed or underemployed.

We are in the top three in mortgage foreclosures. In the first half of the year, Floridians were No. 1 on being behind on their mortgage payments. Although there are some spots of hope and some things to look at as potentially growing our economy again, we just recently found out that in southeast Florida—which in many ways has been ground zero for mortgage foreclosures—mortgage foreclosures have gone up in the third quarter more than 25 percent over the second quarter.

Times are tough in Florida. Times are tough all across this country. So the people of this country spoke, and they sent new people to Washington who will be taking office—some have already taken office, most will take office in January—to get this country back to work. What they asked this Congress to do is to focus on job creation.

The second thing they want this Congress to do is to stop the out-of-control spending. This government is putting this country on the brink of financial disaster. We know from the Congressional Budget Office, which keeps count of spending in this country, that this last year, 2010, the Congress spent \$1.3 trillion more than it took in—\$1.3 trillion more than it took in. It took 200 years for this country to go in debt. Yet just this last year, this Congress went \$1.3 trillion in debt.

Our national debt—the total amount of deficits that have accumulated over time—is nearly \$14 trillion. In the past 4 years, the national debt has gone up \$5 trillion. The American people are worried about this. When I go around Florida and talk to my constituents, they tell me they are concerned about the future for their kids, for their grandkids. They wonder whether our children are going to grow up in a country that has the same promise and opportunity that we have all experienced.

So these have been the two big issues. They are resounding. If you turn on the television and watch any of these cable talk shows, the two issues that come up are jobs and the out-of-control spending. Yet despite the overwhelming chorus from the people of this country—which manifested itself a month ago on election day—this Congress is failing to address these two primary issues.

Why in the world are we talking about a bunch of ancillary issues—albeit important in their own right—when the most pressing issues facing this country, and what the American people want us to do, is to focus on these two issues?

Part and parcel of the economic problem is the uncertainty that is being caused by Washington. For the past 2 years, instead of focusing on creating jobs, creating an environment that would allow businesses to create jobs, we have created all sorts of uncertainty for American entrepreneurs. I come from a State of small businesses. There are not a lot of big businesses in Florida. When I meet with small business, they tell me there is so much uncertainty that it is preventing them from hiring.

They cite the health care bill. How do we know if we can hire a new person? If we do we may be under some new mandate, some new penalty or fine that will make us pay more. We don't know whether we can afford that new employee. Therefore, they do not hire. No wonder unemployment is so high and has not come down.

They wonder about the financial regulatory reform bill. One business in Florida told me they will move some of their employees overseas so as to not come under the restrictions of that bill.

Most of all what they tell me is they do not know what their taxes are going to be next year. They do not know what they are going to pay in taxes. Because they can't plan, they cannot hire. Because they can't plan, they do not buy that new piece of equipment. Because they can't plan, they do not take on that extra lease space or hire the construction company to build an addition on their building or build a new facility.

So all of this uncertainty created by Washington not having its focus on what the American people want Washington to have its focus on is exacerbating the problem with the economy. So why in the world—knowing for the past 2 years that these tax cuts were set to expire—have we not addressed them?

When we voted to adjourn before the election, I voted not to adjourn because I thought it was fundamentally unfair to the businesses and job creators in this country for us to leave and not finish our work with them not knowing what their taxes would be next year. I knew that would hurt the effort to employ more people in my State. Yet here we are, the first day of December, just a month left in the time of this Congress, and we still have not addressed the tax issues.

We are talking about food safety, we are talking about the DREAM Act, we are talking about the repeal of don't ask, don't tell. However you feel about those issues—and I respect that people have differing views—that is not what the American people are focused on. We should be about the work of focusing on the issues that matter most, putting first things first. What should be first is creating an environment so that entrepreneurs and job creators can get people back to work.

Secondly, we must tackle this issue of spending. We just saw the report

from the debt commission, and we are all still reviewing the good work they have done. Let me say, first of all, this is a serious proposal from serious and responsible people, and it is the kind of work that should be done in Washington. I don't agree with all of its provisions, but I am proud of the work they have done because it is serious, it is sober, and it addresses the compelling crisis that confronts us and threatens the very future of this country.

As the cochairmen of that commission—Erskine Bowles and former Senator Simpson—have said this crisis will not wait 10, 20 years. This crisis is now.

But as much as I respect the work they have done, it doesn't go nearly far enough. Realize that the proposals they have made will cut the national debt and deficit \$4 trillion. That is a lot of money. It is a good start. It is being widely condemned by Democrats and Republicans. It tackles defense spending, so some Republicans don't like it. It tackles Medicare, Medicaid, and Social Security, so some Democrats don't like it. I think the Speaker of the House, NANCY PELOSI, dismissed it because of what it does on Social Security. But realize this: It only cuts \$4 trillion out of the next \$12 trillion that will be incurred in the next decade.

So let's put it in perspective. Right now our national debt is nearly \$14 trillion. It is projected to be \$26 trillion by 2020. If we adopted every proposal of the debt commission—every single one of them—we would reduce the projected national debt from \$26 trillion to \$22 trillion, and that is not enough. It is not even close to being enough.

Now, why is that the case? It is the case because we spend \$200 billion a year right now in our current budgetary environment on debt service—\$200 billion a year paying interest on money we have borrowed for things we should not have spent money on in the past.

Here is the truth the American people have not been told: For the past 30 or 40 years, this government has spent much more money than it has taken in. What it did first was it took the money out of Social Security and wrote an IOU to Social Security. When the Social Security money was unable to be raided anymore by Congress, which has been just recently, then this government had to go out and borrow the money from foreign countries such as China and Japan. That is why we have this huge unfunded portion of Social Security that is tens of trillions of dollars and that is why we have this national debt that is racking up.

For the last 30 or 40 years, this Congress has spent way more than it has taken in. Now we are in a situation where we put the future of this country in peril. At the end of this decade, if we have a \$26 trillion national debt—and even if it is \$22 trillion if we adopted every measure from the debt commission—we will still be \$800 to \$900 billion in debt service by the end of the decade, \$800 billion to \$900 billion. When

we are that far into our debt service payments—basically for the average American family this is similar to, thinking of this like a credit card, when you can't pay the minimum balance and every month the amount you owe keeps cascading more and more. That is where the American Government is headed.

When we get to \$800 billion or \$900 billion a year in interest payments, the government will not function. As Erskin Bowles said today, the world markets will not wait for that point. So what you are seeing in Europe right now with Greece and Ireland and Portugal and Spain will happen here, except there will not be a European Union or anybody else to bail out the United States of America.

It is a crisis. Yet this Congress is not doing anything about it. We are talking about adopting a continuing resolution because this Congress will not do an appropriations bill. A continuing resolution at its best will freeze spending at last year's level.

Some of my colleagues will say: That is good. See, we are not increasing the spending.

It is not an accomplishment, when last year we were more than \$1 trillion in deficit, to freeze spending at that level.

The two issues the American people want us to deal with are jobs and out-of-control government spending. Yet we are failing to do both. There is a lot of frustration in this Chamber. I watched some of my colleagues on the other side today come speak on the floor, and they are frustrated that we are not getting things done. I am frustrated too. Two of my colleagues are proposing a change to the way the procedures of this body work. They do not think it should take 60 votes for us to do some things.

I do not agree with them, but I share their frustration because, as much as I am privileged to be here—and I am in awe of this institution—the way this Congress works and this body works is dysfunctional. The way it should work and the way it used to work, from what people tell me who were here before, is that a proposal would come up, a piece of legislation, and it would come to the floor and we would all have a chance to offer an amendment. We would all have a chance to make it better.

My constituents in Florida think I have the opportunity to offer amendments and let their voices be heard through my actions. If my proposal is not good or not worthy, then it should not pass. But it should see the light of day. This was a time when Senators stayed by their desks and listened to the proposals and amendments of other Senators and were able to quickly call home to the group that the proposal might affect. Say it was an agricultural proposal. They might call their local farmers or if it would affect banks, they might call banks to see how it would affect their constituents in their home State, and the level of discourse was better.

The people of this country expect us to get to work. They expect us to get to work on the issues that matter most. They are suffering and we should get about the work that they want us to do because the future of the country is at stake.

I yield the floor.

#### ADVANCED PRACTICE REGISTERED NURSE PROGRAMS

Mr. INOUE. Mr. President, today I rise to recognize the need to transition the Advanced Practice Registered Nurse—APRN—programs at the Uniformed Services University of the Health Sciences—USUHS—to the Doctorate of Nursing Practice. It was my hope to establish a program to educate advanced practice nurses at USUHS and in 1993 Congress founded the Uniformed Services University of the Health Sciences Graduate School of Nursing, GSN. Doctoral nursing programs are designed to prepare advanced practice nurses and Ph.D.s for the unique challenges of military health care. The GSN students explore the fields of nursing through a signature blend of science, research, and field training. The lessons learned on the USU campus and beyond the traditional classroom prepare the GSN graduates to take on a diverse range of challenges that have led to their success in any environment.

The American Association of Colleges of Nursing—AACN—Position Statement on the Doctorate of Nursing Practice, DNP, dated October 2004, identified 13 advanced practice degree recommendations in response to the increasing complexity of healthcare and rising patient acuties. In recommendation 10 of its position statement, the AACN stated, “the practice doctorate be the graduate degree for advanced nursing practice preparation including, but not limited, to the four current APRN roles: clinical nurse specialist, nurse anesthetist, nurse midwife and nurse practitioner.” Additionally, the American Association of Colleges of Nursing and the American Association of Nurse Anesthetists, Council on Accreditation have stated that APRN programs should be converted from the master's degree to Doctorate of Nursing Practice programs by 2015 and 2025, respectively. These endorsements were preceded by almost 4 years of research and consensus-building by an AACN task force charged with examining the need for the practice doctorate with a variety of stakeholder groups. Of the 388 APRN programs in the country, 72 percent are offering or planning DNP programs. To maintain professional standards for military APRNs and remain competitive for high quality students, the Graduate School of Nursing at USUHS must transition to the DNP for its APRN programs. A report is requested from USUHS, within 180 days, outlining the GSN's progress toward DNP program transition and planned implementation.

#### WORLD AIDS DAY

Mr. DURBIN. Mr. President, next year marks the 30th anniversary of the first diagnosis by the Centers for Disease Control of acquired immune deficiency syndrome or AIDS. This year, 33.3 million people are living with HIV. Last year 2.6 million people were infected with HIV, and 1.8 million people died from AIDS. And today we commemorate World AIDS Day, acknowledging the suffering and death that AIDS has caused and reaffirming our commitment to fight the global AIDS pandemic.

For three decades this preventable disease has devastated families and communities. But there also has been a global response from the research community, government, health workers, and patient advocates to fight this disease and save lives. This battle has yielded notable victories. Fewer people are becoming infected with HIV, biomedical innovations have created drugs that can transform AIDS into a chronic disease rather than a death sentence, more people have access to HIV treatment, and mothers can prevent their babies from becoming infected with HIV. A recent CDC report, indicating that 11.4 million more people were tested for HIV in 2006 compared to 2009, highlights the advancements that have been made.

The U.S. has been at the frontline combating the AIDS pandemic. We have established aggressive and effective programs, notably the Ryan White HIV/AIDS Program and the Tom Lantos and Henry J. Hyde U.S. Global Leadership against HIV/AIDS, Tuberculosis and Malaria Act, known more commonly as PEPFAR. These programs provide funding and support to initiatives combating AIDS and providing critical services to people in the U.S. and developing countries.

Progress has certainly been made, but the U.S. must continue to be a leader in the fight against HIV/AIDS. In the United States over 1.1 million people have HIV, but one in five of these people do not know they are infected. Each year 56,300 Americans become infected with HIV.

We can bring this number to zero. While Black Americans represent 12 percent of the U.S. population, they account for almost half of people living with HIV and half of new infections each year. We can alter the trajectory of this disease and eliminate these disparities.

World AIDS Day causes us to remember those who have been lost to this disease, but it is also an opportunity to renew our commitment to fighting the AIDS pandemic, to eliminating stigma against those with this disease, and to stopping the spread of HIV.

I look forward to working with my colleagues to make these goals a reality.

## HONORING OUR ARMED FORCES

SPECIALIST DAVID S. ROBINSON

Mrs. LINCOLN. Mr. President, today I honor SPC David S. Robinson, 25, of Fort Smith, AR, who died November 20, 2010, in Zabul Province, Afghanistan, in support of Operation Enduring Freedom. According to initial reports, Specialist Robinson died of injuries sustained when his military vehicle overturned.

My heart goes out to the family of Specialist Robinson, who made the ultimate sacrifice on behalf of our Nation. Along with all Arkansans, I am grateful for his service and for the service and sacrifice of all of our military servicemembers and their families.

More than 11,000 Arkansans on Active Duty and more than 10,000 Arkansas reservists have served in Iraq or Afghanistan since September 11, 2001. These men and women have shown tremendous courage and perseverance through the most difficult of times. As neighbors, as Arkansans, and as Americans, it is incumbent upon us to do everything we can to honor their service and to provide for them and their families, not only when they are in harm's way but also when they return home. It is the least we can do for those whom we owe so much.

Specialist Robinson was assigned to A Troop, 2nd Squadron, 2nd Stryker Cavalry Regiment, V Corps, Vilseck, Germany. His mother resides in Fort Smith, AR, and his father in Canton, PA. His wife and children reside in Clarksville, TN.

STAFF SERGEANT KEVIN MATTHEW PAPE

Mr. BAYH. Mr. President, I rise today to honor the life of SSG Kevin Matthew Pape of the U.S. Army and Fort Wayne, IN.

Staff Sergeant Pape was assigned to C Company, 1st Battalion, in the 75th Ranger Regiment at Hunter Army Airfield in Georgia. He was 30 years old when he lost his life on November 16, 2010, while bravely serving in support of Operation Enduring Freedom in Kunar Province, Afghanistan. He was on his third tour of duty in Afghanistan, after three tours in Iraq.

A native of Fort Wayne, Staff Sergeant Pape graduated from Concordia High School in 1998. He enlisted in the U.S. Army in 2005 and graduated from the Ranger Assessment and Selection Program in 2006, where he served as a machine gunner, team leader and squad leader.

COL Michael Kurilla, Commander of the 75th Ranger Regiment, recalled that Staff Sergeant Pape, "had two priorities in his life—his family and the Rangers he led. By the manner in which he lived his life, Staff Sergeant Pape defined sacrifice, dedicated, and selfless service."

Staff Sergeant Pape's numerous awards and decorations include the Ranger Tab, the Expert Infantry Badge, the Combat Infantry Badge and the Parachutist Badge. He was post-

humously awarded the Bronze Star Medal, the Purple Heart and the Meritorious Service Medal.

Today, I join Staff Sergeant Pape's family and friends in mourning his death. He is survived by his wife Amelia Rose Pape and his daughter Anneka Sue, both of Savannah, GA, and his father Marc Dennis Pape of Fort Wayne, IN.

We take pride in the example of this dedicated soldier and American hero, even as we struggle to express our grief over this loss. We cherish the legacy of his service and his life.

As I search for words to honor this fallen soldier, I recall President Lincoln's words to the families of the fallen at Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here."

It is my sad duty to enter the name of SSG Kevin Matthew Pape in the RECORD of the U.S. Senate for his service to our country and for his profound commitment to freedom, democracy and peace.

## UNEMPLOYMENT INSURANCE

Mr. BAUCUS. Mr. President, today, without congressional action, hundreds of thousands of Americans will lose their unemployment benefits. Earlier this week, along with 19 of my colleagues, I introduced the Unemployment Insurance Stabilization Act of 2010—the USA bill. Our bill would reauthorize the Federal unemployment benefits program.

Unemployment benefits are the only lifeline that many workers in Montana and across the nation have left in this tough economy. These benefits help millions of Americans to put food on the table and roofs over their heads. These benefits pump money into our economy and help to create jobs.

The nonpartisan Congressional Budget Office says that unemployment benefits have one of the largest effects on economic output and employment per dollar spent of any policy.

This Congress has spent a lot of time reauthorizing unemployment benefits for a few months at a time. This bill would reauthorize the program for a full year.

A longer reauthorization of the unemployment benefits program would provide certainty. It would provide certainty for our economy. And it would provide the certainty that Americans looking for work need.

This bill would fund unemployment insurance for people who have lost their jobs in the latter portion of the recession.

This bill would not provide anyone with more than 99 weeks of benefits. This bill would ensure that out-of-work Americans who lost their jobs recently

would get benefits similar to those received by their neighbors who lost their jobs earlier in the recession.

The Department of Labor reports that for every dollar spent on unemployment insurance, two dollars are re-invested in the economy.

This bill is crucial to our economy. This bill is about jobs.

This bill is about jobs because unemployment insurance goes to people who will spend it immediately. That increases economic demand. And that helps to support our fragile economic recovery.

CBO says that aid to the unemployed is among the policies best suited to creating jobs per dollar of budgetary cost.

With unemployment at 9.6 percent, now is not the time to stop investing in economic recovery. This bill would keep in place a major source of our recovery. This bill would support Americans who have worked, are looking for work, and will work again.

For millions of people, unemployment insurance is the bridge to the next job. This bill would provide a bridge over troubled waters.

I think of a woman from Helena, MT, who called my office. She told us that unemployment benefits are keeping her family afloat. She was laid off when she was 8 months pregnant. And she wants the Senate to know that she has worked since she was a teenager. She wants to work. And she will work again.

And I think of a Montana father with three small children who was laid off after 18 years of service. The company could no longer pay his wages. He has no income. But he continues to look for work. His home is going into foreclosure. Unemployment insurance has been his only income. It is what puts food on the table for his family.

This is America. When there is an emergency, we don't leave people behind.

We cannot take Federal unemployment insurance benefits away before our economy and out-of-work Americans have found their footing.

Let's not leave the unemployed behind.

I urge my colleagues to support this commonsense legislation.

## HEALTH CARE

Mr. BROWN of Massachusetts. Mr. President, I rise today to continue to urge my colleagues for quick passage of my legislation that would restore access to life-saving medicines for children's hospitals.

As my colleagues are aware, I introduced independent legislation in September that would protect the lives of the most vulnerable among us—our Nation's children—by immediately restoring access and ensuring children's hospitals across the country are able to purchase orphan drugs at a discount.

Children's hospitals lost access to these medicines when Congress passed

the Patient Protection and Affordable Care Act.

That wasn't right.

And so my legislation sought to fix it and restore access to these life-saving medicines for children's hospitals. Without this fix, children's hospitals across the country will be faced with higher drug costs. I introduced this legislation with the support of several of my Republican colleagues. And I know that my Democratic colleagues support the intent of my legislation too.

Unfortunately, and despite passage in the House, the Senate has not passed legislation to correct this flaw in the Patient Protection and Affordable Care Act.

But I am hopeful that the Senate will take action soon. I continue to work with my colleagues on the Senate Finance Committee and with Senate leadership to ensure that the Senate acts swiftly to correct this error in the Federal health care reform bill.

As my colleagues are aware, access to orphan drugs are critically important to children, many of whom, if they are ill, suffer from rare diseases or conditions. Orphan drugs, by definition, are designed and developed to help and treat diseases or conditions that affect fewer than 200,000 people, many of whom are children. On a daily basis, the Children's Hospital of Boston uses most of the 347 medicines that are designated orphan drugs.

I will say again that my legislation has the support of my colleagues from both sides of the aisle. And I have this support because fixing this provision and restoring access to life-saving medicines is the right thing to do.

My legislation restores and protects the ability for children's hospitals to access those outpatient medicines through the 340B drug discount program authorized in the Public Health Services Act. Access to this program and the corresponding discount saves the Children's Hospital of Boston nearly \$3 million annually, but more importantly, Children's Hospital of Boston is able to save lives as a result. Hospitals and doctors at children's hospitals are able to access life-saving medicines, children live better lives, and families are given peace of mind.

Passing my bill quickly is the right thing to do and I encourage my colleagues in the Senate to act swiftly to enact my legislation to ensure that children's hospitals can once again receive discounted pricing on these life-saving medicines.

There is no cause for delay. The House has passed this restorative language twice already. The Senate needs to do the same. And we should do so before the end of this year.

I believe quick passage is possible—quick passage should be possible—because of the support and efforts that I have seen demonstrated by my fellow Senators.

## ADDITIONAL STATEMENTS

### COLORADO RAPIDS SOCCER TEAM

• Mr. BENNET. Mr. President, today I congratulate and honor the tenacious play of the Colorado Rapids soccer team, that recently fought their way to victory over F.C. Dallas in the MLS Cup. This was truly a come-from-behind victory. The Rapids struggled against F.C. Dallas in two games earlier this season, and in the championship game, Dallas scored first, early in the first half. But as they had done throughout the playoffs, the Rapids relied on their character, concentration, and grit and came back in the championship game to win 2 to 1 in overtime.

This is the first MLS Cup championship victory in Colorado Rapids history. And it is a testament to the resiliency of the team. From the creativity of our strikers to the concentration of our goalkeeper, our side showed that they have what it takes to win, again and again. The Rapids have proudly represented our State and the Colorado ideal that hard work and determination pay off. That is a lesson I am proud to share with my three daughters, all of whom play soccer. The Rapids have proven that we have world-class teams and world-class fans in Colorado. I am proud to support the Colorado Rapids and again congratulate them on this remarkable accomplishment.●

### TRIBUTE TO DOMINIC CALABRO

• Mr. LEMIEUX. Mr. President, today I wish to recognize the distinguished career of Mr. Dominic Calabro of Tallahassee, FL, who is in his 30th year of public service with Florida TaxWatch, a nonpartisan, nonprofit government watchdog and research institute that has served the taxpayers for decades in my home State of Florida. The group has been chaired for the past 2 years by the distinguished leadership of David A. Smith of Jacksonville, FL.

Florida TaxWatch first hired Mr. Calabro in 1980 as a senior research analyst. His hard work and dedication was quickly recognized, as he was promoted to executive director in 1982 and CEO in 1986. Mr. Calabro has guided the growth of TaxWatch into a dynamic, influential organization dedicated to improving government productivity and taxpayer value through research and civic engagement. Approximately 70 percent of TaxWatch's recommendations have been adopted by Florida's government, saving billions of dollars for Florida taxpayers.

Under Mr. Calabro's leadership, Florida TaxWatch has grown from an organization with a membership of approximately 30 and annual revenues of approximately \$64,000 to a statewide organization boasting a membership of nearly 1,000 individuals and organizations and revenues that have grown more than twentyfold to over \$1,500,000.

In addition to identifying and working to improve government spending in the public interest, Mr. Calabro and TaxWatch are the key players in the annual Prudential-Davis Productivity Awards, a nationally unique public-private partnership that recognizes and rewards exceptional Florida state employees whose innovative work measurably increases productivity and saves taxpayer money. Mr. Calabro has received numerous honors and awards, including being named by the National Junior Chamber of Commerce as one of Ten Outstanding Young Americans for 1994.

Mr. Calabro has been supported in all of his endeavors by his loving wife of 31 years, Debbie. They are devoted to their four children, Diana, Dominic, Christina, and Danny.

Mr. Calabro is also a driving force for improvements in public education. He is on the Board of Advisors for Florida State University's Graduate School of Social Work. Mr. Calabro also serves on the Florida Education Foundation and Communities in Schools of Florida.

Many Florida TaxWatch recommendations have served as the impetus for important changes to Florida budgetary and taxation policy, including the Taxpayers Bill of Rights of 1992, the Government Performance Accountability Act of 1994, the complete phase-out of the Intangibles Tax, and a recent Government Cost Savings Task Force that so far has saved the state nearly \$3 billion to weather the current economic climate.

I congratulate Mr. Calabro on his 30 years of service with Florida TaxWatch, and to wish him nothing but the best in his future endeavors.●

### REMEMBERING FATHER ALLEN NOVOTNY

• Ms. MURKOWSKI. Mr. President, on October 27th the Gonzaga College High School and Jesuit community lost a leader and dear friend. Father Allen Novotny served as the president of the oldest private high school in Washington, DC, and led the charge to modernize the school's aging facilities. When I moved my family to Washington, DC, I knew that under the leadership of Father Novotny, my two sons would receive the best education possible at Gonzaga. The school, which is known for its motto "Men for Others" encourages students to participate in service projects throughout DC, the country, and the world. During his 16 years at Gonzaga, Father Novotny increased the funding and variety of these essential service projects that gave thousands of young men the opportunity to grow in their faith and serve those in need.

Allen Paul Novotny was born in Baltimore in 1952 and received his education at the Sacred Heart of Jesus School in Baltimore and then Loyola High School in Towson. He entered the Society of Jesus at the Novitiate of St.

Isaac Jogues in Wernersville, PA, in 1970, and received a degree in history from Fordham University in 1975. He then went on to teach history at his alma mater Loyola, and by 1989 had received three master's degrees in divinity, pastoral counseling, and business administration. These credentials along with Father Novotny's passion to provide a productive learning environment for the young men at Gonzaga resulted in a \$30 million campaign to renovate and expand the schools aging cafeteria, classrooms, gymnasium, and other facilities.

Along with his tireless efforts to improve the school structurally, Father Novotny also ensured the spiritual and educational improvement of the student body, parents, and faculty. With his calm demeanor and strong faith, he guided the school through times of national tragedy in 2001 when the September 11 attacks took the lives of family and friends in the Gonzaga community and again in 2002 during the Washington DC, sniper shootings. He also led the school to great educational and athletic triumphs. During his tenure, courses offered for college credit at Gonzaga significantly increased and Gonzaga's basketball program has consistently been nationally ranked.

Father Novotny had a very personal connection with his students, which I always admired as a parent. He constantly attended the games of Gonzaga's various sports teams and participated with the students in their service projects. In the weeks since his passing, there has been an outpouring of condolences from thousands of former and current students, parents, faculty, and friends who have shared their stories of the influence that Father Novotny had on their lives. Gonzaga will now have to search for a replacement to serve as the school's president, but we will never be able to replace in our hearts such a great leader, mentor, teacher, and friend. May he rest in peace.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on the Judiciary.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE

At 10:16 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, an-

nounced that the House has agreed to the amendments of the Senate to the bill (H.R. 4783) to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Chile, and to extend the period from which such contributions for the relief victims of the earthquake in Haiti may be accelerated.

At 12:19 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5866. An act to amend the Energy Policy Act of 2005 requiring the Secretary of Energy to carry out initiatives to advance innovation in nuclear energy technologies, to make nuclear energy systems more competitive, to increase efficiency and safety of civilian nuclear power, and for other purposes.

H.R. 5953. An act to direct the Secretary of Veterans Affairs to display in each facility of the Department of Veterans Affairs a Women Veterans Bill of Rights and to display in each prosthetics and orthotics clinic of the Department an Injured and Amputee Veterans Bill of Rights, and for other purposes.

H.R. 6398. An act to require the Federal Deposit Insurance Corporation to fully insure Interest on Lawyers Trust Accounts.

H.R. 6411. An act to provide for the approval of the Agreement Between the Government of the United States of America and the Government of Australia Concerning Peaceful Uses of Nuclear Energy.

At 3:31 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 101. Joint resolution making further continuing appropriations for fiscal year 2011, and for other purposes.

At 6:24 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6184. An act to amend the Water Resources Development Act of 2000 to extend and modify the program allowing the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the evaluation of permits, and for other purposes.

The message also announced that the House has passed the following bills, without amendment:

S. 1338. An act to require the accreditation of English language training programs, and for other purposes.

S. 1421. An act to amend section 42 of title 18, United States Code, to prohibit the importation and shipment of certain species of carp.

S. 3250. An act to provide for the training of Federal building personnel, and for other purposes.

The message further announced that that House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 323. Concurrent resolution supporting the goal of ensuring that all Holocaust survivors in the United States are

able to live with dignity, comfort, and security in their remaining years.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 75. Concurrent resolution authorizing the use of the rotunda of the Capitol for an event marking the 50th anniversary of the inaugural address of President John F. Kennedy.

The message further announced that the House has agreed to the amendment of the Senate to the bill (H.R. 5283) to provide for adjustment of status for certain Haitian orphans paroled into the United States after the earthquake of January 12, 2010.

#### ENROLLED BILLS SIGNED

At 6:54 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 6162. An act to provide research and development authority for alternative coinage materials to the Secretary of the Treasury, increase congressional oversight over coin production, and ensure the continuity of certain numismatic items.

H.R. 6166. An act to authorize the production of palladium bullion coins to provide affordable opportunities for investments in precious metals, and for other purposes.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5866. An act to amend the Energy Policy Act of 2005 requiring the Secretary of Energy to carry out initiatives to advance innovation in nuclear energy technologies, to make nuclear energy systems more competitive, to increase efficiency and safety of civilian nuclear power, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 5953. An act to direct the Secretary of Veterans Affairs to display in each facility of the Department of Veterans Affairs a Women Veterans Bill of Rights and to display in each prosthetics and orthotics clinic of the Department an Injured and Amputee Veterans Bill of Rights, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 6411. An act to provide for the approval of the Agreement Between the Government of the United States of America and the Government of Australia Concerning Peaceful Uses of Nuclear Energy; to the Committee on Foreign Relations.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 323. Concurrent resolution supporting the goal of ensuring that all Holocaust survivors in the United States are able to live with dignity, comfort, and security in their remaining years; to the Committee on the Judiciary.

#### MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 3991. A bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.



S. 3992. A bill to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes.

#### MEASURES READ THE FIRST TIME ON NOVEMBER 30, 2010

The following bills were read the first time:

S. 3991. A bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 3992. A bill to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-8246. A communication from the Secretary of the American Battle Monuments Commission, transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act that occurred within the Commission; to the Committee on Appropriations.

EC-8247. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Kevin T. Campbell, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-8248. A communication from the Executive Secretary, Operations, Federal Financial Institutions Examination Council, transmitting, pursuant to law, the report of a rule entitled "Description of Office, Procedures, and Public Information" (12 CFR Part 1101) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-8249. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Ireland; to the Committee on Banking, Housing, and Urban Affairs.

EC-8250. A communication from the Secretary of Energy, transmitting, pursuant to law, an annual report relative to the Strategic Petroleum Reserve for calendar year 2009; to the Committee on Energy and Natural Resources.

EC-8251. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance on Pre-Approved Individual Retirement Arrangements (IRAs)" (Rev. Proc. 2010-48) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Finance.

EC-8252. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2010-0171–2010-0175); to the Committee on Foreign Relations.

EC-8253. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administra-

tion, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "New Animal Drugs for Minor Use and Minor Species" (Docket No. FDA-2010-N-0534) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-8254. A communication from the Secretary of the Department of Energy, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2010 through September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-8255. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2010 through September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-8256. A communication from the Special Assistant to the President and Director, Office of Administration, Executive Office of the President, transmitting, pursuant to law, a report relative to personnel employed in the White House Office, the Executive Residence at the White House, the Office of the Vice President, the Office of Policy Development (Domestic Policy Staff), and the Office of Administration; to the Committee on Homeland Security and Governmental Affairs.

EC-8257. A communication from the General Counsel, National Labor Relations Board, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of April 1, 2010 through September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-8258. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries in the Western Pacific; Hawaii Bottomfish and Seamount Groundfish; Measures to Rebuild Overfished Armorhead at Hancock Seamounts" (RIN0648-AY92) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8259. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Western and Central Pacific Fisheries for Highly Migratory Species; 2010 Bigeye Tuna Longline Fishery Closure" (RIN0648-XZ39) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8260. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area" (RIN0648-XAO21) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8261. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the West-

ern Aleutian District of the Bering Sea and Aleutian Islands Management Area" (RIN0648-XAO36) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8262. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Eastern Aleutian District of the Bering Sea and Aleutian Islands Management Area" (RIN0648-XAO34) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8263. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (54); Amdt. 3399" (RIN2120-AA65) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8264. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Berryville, AR" (RIN2120-AA66) (Docket No. FAA-2010-0690) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8265. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment and Amendment of Area Navigation (RNAV) Routes; Alaska" (RIN2120-AA66) (Docket No. FAA-2010-0397) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8266. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Kennett, MO" (RIN2120-AA66) (Docket No. FAA-2010-0606) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8267. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "IFR Altitudes; Miscellaneous Amendments (51); Amendment No. 490" (RIN2120-AA63) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8268. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Aging Airplane Program: Widespread Fatigue Damage" (RIN2120-AI05) (Docket No. FAA-2006-24281) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8269. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Austro Engine GmbH Model E4 Diesel Piston Engines" (RIN2120-AA64) (Docket No. FAA-2010-1055) received in the Office of the President of the Senate on November 30, 2010; to

the Committee on Commerce, Science, and Transportation.

EC-8270. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France (Eurocopter) Model SA-365N1, AS-365N2, and AS 365 N3 Helicopters" ((RIN2120-AA64) (Docket No. FAA-2010-1082)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8271. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company (GE) CT7-9C and -9C3 Turboprop Engines" ((RIN2120-AA64) (Docket No. FAA-2010-0732)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8272. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Viking Air Limited (Type Certificate Previously Held by Bombardier, Inc.) Model DHC-7 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0699)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8273. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; MD Helicopters, Inc. Model MD900 Helicopters" ((RIN2120-AA64) (Docket No. FAA-2010-1126)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8274. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France (Eurocopter) Model AS332L2 Helicopters" ((RIN2120-AA64) (Docket No. FAA-2010-1125)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8275. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron Canada Model 206L, 206L-1, and 206L-3 Helicopters" ((RIN2120-AA64) (Docket No. FAA-2008-1242)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8276. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 777-200, -200LR, -300, and -300ER Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0376)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8277. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model CL-600-2B19 (Regional Jet Series 100 and 440), CL-600-2C10

(Regional Jet Series 700, 701, and 702), CL-600-2D15 (Regional Jet Series 705), and CL-600-2D24 (Regional Jet Series 900) Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0223)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8278. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France (Eurocopter) Model AS332C, L, L1, and L2 Helicopters" ((RIN2120-AA64) (Docket No. FAA-2010-0907)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8279. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; PIAGGIO AERO INDUSTRIES S.p.A. Model PIAGGIO P-180 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0778)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8280. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Austro Engine GmbH Model E4 Diesel Piston Engines" ((RIN2120-AA64) (Docket No. FAA-2010-1055)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8281. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0279)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8282. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model DHC-8-400 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-1041)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8283. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; EADS CASA (Type Certificate Previously Held by Construcciones Aeronauticas, S.A.) Model CN-235, CN-235-100, CN-235-200, and CN-235-300 Airplanes, and Model C-295 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0640)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8284. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 757 and 767 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-1040)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8285. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Corporation Model DC-9-14, DC-9-15, and DC-9-15F Airplanes; and Model DC-9-20, DC-9-30, DC-9-40, and DC-9-50 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0705)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8286. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330-201, -202, -203, -223, -223F, -243, and -243F Airplanes, Model A330-300 Series Airplanes, and Model A340-200, A340-300, A340-500, and A340-600 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0675)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8287. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-500 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0870)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8288. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model CL-600-2C10 (Regional Jet Series 700, 701, and 702), CL-600-2D15 (Regional Jet Series 705), and CL-600-2D24 (Regional Jet Series 900) Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0700)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8289. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 757 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0483)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8290. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model CL-600-2C10 (Regional Jet Series 700, 701, and 702), Model CL-600-2D15 (Regional Jet Series 705), and Model CL-600-2D24 (Regional Jet Series 900) Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-1106)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8291. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A380-800 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-1102)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8292. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model BD-700-1A10 and BD-700-1A11 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0548)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8293. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Custer and Onekama, Michigan)" (MB Docket No. 08-86) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8294. A communication from the Secretary of Transportation, transmitting, pursuant to law, an annual report relative to the Maritime Administration for fiscal year 2008; to the Committee on Commerce, Science, and Transportation.

### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 5758. A bill to designate the facility of the United States Postal Service located at 2 Government Center in Fall River, Massachusetts, as the "Sergeant Robert Barrett Post Office Building".

H.R. 6118. To designate the facility of the United States Postal Service located at 2 Massachusetts Avenue, NE, in Washington, D.C., as the "Dorothy I. Height Post Office".

H.R. 6237. A bill to designate the facility of the United States Postal Service located at 1351 2nd Street in Napa, California, as the "Tom Kongsgaard Post Office Building".

H.R. 6387. A bill to designate the facility of the United States Postal Service located at 337 West Clark Street in Eureka, California, as the "Sam Sacco Post Office Building".

By Mr. DORGAN, from the Committee on Indian Affairs, with amendments:

S. 2802. A bill to settle land claims within the Fort Hall Reservation.

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 3784. A bill to designate the facility of the United States Postal Service located at 4865 Tallmadge Road in Rootstown, Ohio, as the "Marine Sgt. Jeremy E. Murray Post Office".

### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. HARKIN from the Committee on Health, Education, Labor, and Pensions.

\*Robert Anacleto Underwood, of Guam, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2012.

\*Anthony Bryk, of California, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2011.

\*Kris D. Gutierrez, of Colorado, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2012.

\*Sean P. Buckley, of New York, to be Commissioner of Education Statistics for a term expiring June 21, 2015.

\*Susan H. Hildreth, of Washington, to be Director of the Institute of Museum and Library Services.

\*Allison Blakely, of Massachusetts, to be a Member of the National Council on the Humanities for a term expiring January 26, 2016.

By Mr. LEAHY for the Committee on the Judiciary.

Susan L. Carney, of Connecticut, to be United States Circuit Judge for the Second Circuit.

James E. Graves, Jr., of Mississippi, to be United States Circuit Judge for the Fifth Circuit.

Amy Totenberg, of Georgia, to be United States District Judge for the Northern District of Georgia.

James Emanuel Boasberg, of the District of Columbia, to be United States District Judge for the District of Columbia.

Amy Berman Jackson, of the District of Columbia, to be United States District Judge for the District of Columbia.

James E. Shadid, of Illinois, to be United States District Judge for the Central District of Illinois.

Sue E. Myerscough, of Illinois, to be United States District Judge for the Central District of Illinois.

Paul Kinloch Holmes, III, of Arkansas, to be United States District Judge for the Western District of Arkansas.

Anthony J. Battaglia, of California, to be United States District Judge for the Southern District of California.

Edward J. Davila, of California, to be United States District Judge for the Northern District of California.

Diana Saldana, of Texas, to be United States District Judge for the Southern District of Texas.

Michele Marie Leonhart, of California, to be Administrator of Drug Enforcement.

Stacia A. Hylton, of Virginia, to be Director of the United States Marshals Service. vice John F. Clark, resigned.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. WYDEN (for himself, Mr. RISCH, Mr. CRAPO, and Mr. MERKLEY):

S. 3993. A bill to expand geothermal production, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DURBIN (for himself and Mr. SCHUMER):

S. 3994. A bill to delay the effective date of the mandatory purchase requirement for new flood hazard areas, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. SNOWE (for herself and Mr. WARNER):

S. 3995. A bill to direct the Administrator of the General Services Administration to install Wi-Fi hotspots and wireless neutral host systems in all Federal buildings in

order to improve in-building wireless communications coverage and commercial network capacity by offloading wireless traffic onto wireless broadband networks; to the Committee on Environment and Public Works.

By Mr. LAUTENBERG:

S. 3996. A bill to amend the Truth in Lending Act and the Higher Education Act of 1965 to require additional disclosures and protections for students and cosigners with respect to student loans, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DORGAN (for himself, Mr. JOHNSON, and Mr. CONRAD):

S. 3997. A bill to authorize appropriations for certain Native American programs; to the Committee on Indian Affairs.

By Mr. SCHUMER (for himself and Mr. HATCH):

S. 3998. A bill to extend the Child Safety Pilot Program; considered and passed.

By Mr. VITTER:

S. 3999. A bill to provide for reductions in the number of employees in Federal departments and agencies, freeze Federal employee compensation, reduce funding to the White House and Congress, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

### ADDITIONAL COSPONSORS

S. 2747

At the request of Mr. BINGAMAN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2747, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 3934

At the request of Mr. WICKER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 3934, a bill to provide tax relief for persons affected by the discharge of oil in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon.

S. 3950

At the request of Mr. KERRY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 3950, a bill to amend title XVIII of the Social Security Act to provide for the application of a consistent Medicare part B premium for all Medicare beneficiaries for 2011.

S. 3981

At the request of Mr. BAUCUS, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3981, a bill to provide for a temporary extension of unemployment insurance provisions.

S. 3992

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 3992, a bill to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes.

AMENDMENT NO. 4626

At the request of Mr. UDALL of Colorado, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of amendment No. 4626 intended to be proposed to S. 3454, an original bill to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself, Mr. RISCH, Mr. CRAPO, and Mr. MERKLEY):

S. 3993. A bill to expand geothermal production, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, I am pleased to join with my colleagues from Idaho and Oregon, Senator JAMES RISCH, Senator MIKE CRAPO, and Senator JEFF MERKLEY, in introducing the Geothermal Production Expansion Act of 2010. This legislation will amend an already existing law—the Geothermal Steam Act—governing the way the Federal Government leases public lands for the development of geothermal energy projects.

Geothermal energy facilities provide a continuous supply of renewable energy with very few environmental impacts. Although the United States has more geothermal capacity than any other country, this potential has been barely tapped. This shortfall is partly due to the high initial cost and risk involved in locating and developing geothermal resources. Like oil and natural gas exploration, until exploration and production wells are actually drilled, the true energy value of the site is not known nor is the full extent of the underground reservoir or energy source.

This legislation is intended to expand the future production of geothermal energy on federally-owned lands by taking some of the uncertainty and guess work out of the leasing and development process by allowing the Interior Department to issue geothermal leases for adjacent lands on a non-competitive basis, based on fair-market value. This would allow a geothermal developer to expand a successful geothermal lease without being forced into a bidding war with speculators or uncooperative competitors who might threaten project expansion or even prevent the project from reaching commercial scale.

Under current law, the Department of Interior is charged with issuing geothermal energy leases through a competitive lease sale. There are, however, several situations where the Department is allowed to issue non-competitive leases, for example, if there were no competitive bids offered, or where there is an already existing mining

claim, or where the geothermal energy will be used directly on site for heating or other uses and not sold as electricity. This legislation would add an additional category of non-competitive leases for lands that are immediately adjacent to an existing, competitively-awarded, geothermal lease where there is an identified, validated geothermal energy discovery. They would not just be given away to an existing lease holder. These non-competitive leases would be made at fair-market value as independently determined by the Department of Interior. They could also not be taken away from any existing lease holder, if they were already leased, nor could they be removed from competitive leasing if they had already been nominated to be competitively leased.

These safeguards are intended to insure that this new non-competitive lease authority is a limited exception to the general policy of competitive leasing for geothermal resources on our public lands. At the same time, this new authority will help ensure that when and where a geothermal resource has been discovered, the project developer will be able to tap that resource and turn it into a viable, commercial energy business and provide clean, renewable energy for our country.

This bill is a companion to bipartisan legislation sponsored by Representative JAY INSLEE in the House of Representatives. The House Committee on Natural Resources held hearings on the underlying House bill, H.R. 3709, in February of this year. The legislation Sen. RISCH and I are introducing today incorporates changes resulting from those hearings, primarily making it clear that any non-competitive leases issued under this authority would be at fair-market value.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the additional material was ordered to be printed in the RECORD, as follows:

S. 3993

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Geothermal Production Expansion Act of 2010”.

#### SEC. 2. FINDINGS.

Congress finds that—

(1) it is in the best interest of the United States to develop clean renewable geothermal energy;

(2) development of that energy should be promoted on appropriate Federal land;

(3) under the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.), the Bureau of Land Management is authorized to issue 3 different types of noncompetitive leases for production of geothermal energy on Federal land, including—

(A) noncompetitive geothermal leases to mining claim holders that have a valid operating plan;

(B) direct use leases; and

(C) leases on parcels that do not sell at a competitive auction;

(4) Federal geothermal energy leasing activity should be directed towards persons

seeking to develop the land as opposed to persons seeking to speculate on geothermal resources and artificially raising the cost of legitimate geothermal energy development;

(5) developers of geothermal energy on Federal land that have invested substantial capital and made high risk investments should be allowed to secure a discovery of geothermal energy resources; and

(6) successful geothermal development on Federal land will provide increased revenue to the Federal Government, with the payment of production royalties over decades.

#### SEC. 3. NONCOMPETITIVE LEASING OF ADJOINING AREAS FOR DEVELOPMENT OF GEOTHERMAL RESOURCES.

Section 4(b) of the Geothermal Steam Act of 1970 (30 U.S.C. 1003(b)) is amended by adding at the end the following:

“(4) ADJOINING LAND.—

“(A) DEFINITIONS.—In this paragraph:

“(i) FAIR MARKET VALUE PER ACRE.—The term ‘fair market value per acre’ means a dollar amount per acre that—

“(I) except as provided in this clause, shall be equal to the market value per acre as determined by the Secretary under regulations issued under this paragraph;

“(II) shall be determined by the Secretary with respect to a lease under this paragraph, by not later than the end of the 90-day period beginning on the date the Secretary receives an application for the lease; and

“(III) shall be not less than the greater of—

“(aa) 4 times the median amount paid per acre for all land leased under this Act during the preceding year; or

“(bb) \$50.

“(ii) INDUSTRY STANDARDS.—The term ‘industry standards’ means the standards by which a qualified geothermal professional assesses whether downhole or flowing temperature measurements with indications of permeability are sufficient to produce energy from geothermal resources, as determined through flow or injection testing or measurement of lost circulation while drilling.

“(iii) QUALIFIED FEDERAL LAND.—The term ‘qualified Federal land’ means land that is otherwise available for leasing under this Act.

“(iv) QUALIFIED GEOTHERMAL PROFESSIONAL.—The term ‘qualified geothermal professional’ means an individual who is an engineer or geoscientist in good professional standing with at least 5 years of experience in geothermal exploration, development, or project assessment.

“(v) QUALIFIED LESSEE.—The term ‘qualified lessee’ means a person that may hold a geothermal lease under part 3202.10 of title 43, Code of Federal Regulations, as in effect on the date of enactment of the Geothermal Production Expansion Act of 2010.

“(vi) VALID DISCOVERY.—The term ‘valid discovery’ means a discovery of a geothermal resource by a new or existing slim hole or production well, that exhibits downhole or flowing temperature measurements with indications of permeability that are sufficient to meet industry standards.

“(B) AUTHORITY.—An area of qualified Federal land that adjoins other land for which a qualified lessee holds a legal right to develop geothermal resources may be available for a noncompetitive lease under this section to the qualified lessee at the fair market value per acre, if—

“(i) the area of qualified Federal land—

“(I) consists of not less than 1 acre and not more than 640 acres; and

“(II) is not already leased under this Act or nominated to be leased under subsection (a);

“(ii) the qualified lessee has not previously received a noncompetitive lease under this paragraph in connection with the valid discovery for which data has been submitted under clause (iii)(I); and

“(iii) sufficient geological and other technical data prepared by a qualified geothermal professional has been submitted by the qualified lessee to the applicable Federal land management agency that would lead individuals who are experienced in the subject matter to believe that—

“(I) there is a valid discovery of geothermal resources on the land for which the qualified lessee holds the legal right to develop geothermal resources; and

“(II) that thermal feature extends into the adjoining areas.

“(C) DETERMINATION OF FAIR MARKET VALUE.—

“(i) IN GENERAL.—The Secretary shall—

“(I) publish a notice of any request to lease land under this paragraph;

“(II) determine fair market value for purposes of this paragraph in accordance with procedures for making those determinations that are established by regulations issued by the Secretary;

“(III) provide to a qualified lessee and publish any proposed determination under this subparagraph of the fair market value of an area that the qualified lessee seeks to lease under this paragraph;

“(IV) provide to the qualified lessee the opportunity to appeal the proposed determination during the 30-day period beginning on the date that the proposed determination is provided to the qualified lessee; and

“(V) provide to any interested member of the public the opportunity to appeal the proposed determination in accordance with the process established under parts 4 and 1840, and section 3200.5, of title 43, Code of Federal Regulations (as in effect on the date of enactment of the Geothermal Production Expansion Act of 2010) during the 30-day period beginning on the date that the proposed determination is published.

“(ii) LIMITATION ON NOMINATION.—After publication of a notice of request to lease land under this paragraph, the Secretary may not accept under subsection (a) any nomination of the land for leasing unless the request has been denied or withdrawn.

“(D) REGULATIONS.—Not later than 180 days after the date of enactment of the Geothermal Production Expansion Act of 2010, the Secretary shall issue regulations to carry out this paragraph.”

By Ms. SNOWE (for herself and Mr. WARNER):

S. 3995. A bill to direct the Administrator of the General Services Administration to install Wi-Fi hotspots and wireless neutral host systems in all Federal buildings in order to improve in-building wireless communications coverage and commercial network capacity by offloading wireless traffic onto wireless broadband networks; to the Committee on Environment and Public Works.

Ms. SNOWE. Mr. President, I rise today, along with Senator WARNER, to introduce pro-consumer wireless legislation, which will improve wireless coverage and go a long way toward preventing the annoying dropped phone calls that many of us frequently experience indoors and in rural areas.

Specifically, the Federal Wi-Net Act would require the installation of small wireless base stations, such as femtocells or similar technologies, and Wi-Fi hot-spots in Federal buildings to improve wireless coverage and network capacity. In addition, the bill would streamline Federal rights-of-way and

wireless transmitter sitings on Federal buildings, which will simplify and expedite the placement of wireless and broadband network infrastructure, resulting in the expansion of coverage and more reliable service to consumers and businesses.

Over the past year, there has been growing concern about a looming radio spectrum crisis given the significant growth in the wireless industry. Currently, there are more than 276 million wireless subscribers in the U.S., and American consumers use more than 6.4 billion minutes of air time per day. While the foundation for wireless services has been voice communication, more subscribers are utilizing it for broadband. According to the Pew Research Center, 56 percent of adult Americans have accessed the Internet via a wireless device. And ABI Research forecasts there will be 150 million mobile broadband subscribers by 2014—a 2,900 percent increase from 2007.

To meet this growing demand, a multi-faceted solution is required that includes fostering technological advancement and more robust spectrum management. Such technologies as femtocells and Wi-Fi hotspots will help alleviate growing wireless demand by offloading that traffic onto wireline broadband networks.

To that point, approximately 40 percent of cell phone calls are made indoors and more than 25 percent of U.S. households have “cut-the-cord,” relying solely on cell phones to make voice calls. On the data side, Cisco’s Virtual Network Index reports that approximately 60 percent of mobile Internet use is done inside—either at home or at work.

As the Federal Communications Commission’s National Broadband Plan highlights, most smartphones sold today have Wi-Fi capabilities to take advantage of the growing ubiquity of wireless networks. According to a November 2008 report from AdMob, 42 percent of all iPhone traffic was transported over Wi-Fi networks rather than AT&T’s cellular network. So installing more mini-base stations, such as femtocells, and Wi-Fi hotspots will improve indoor coverage and wireless network capacity.

But in addition to improving indoor coverage and network capacity, we must take steps to expand wireless coverage—primarily in rural areas. The General Services Administration, GSA, manages approximately 8,600 buildings across the country that can be used to house wireless and broadband infrastructure.

As the National Broadband Plan acknowledges, “to effectively deploy broadband, providers often need to be able to place equipment on this federally controlled property, or to use the rights-of-way that pass through the property.” So we must make it a priority to streamline the processes, zoning, and permitting to ensure that carriers have reasonable, timely, and appropriate access to Federal buildings.

Doing so will, without question, dramatically improve the service availability on which more than 276 million wireless subscribers rely daily.

The increasing importance of wireless communications and broadband has a direct correlation to our Nation’s competitiveness, economy, and national security and therefore demands that we make the appropriate changes to current spectrum policy and management to avert a spectrum crisis and continue to realize the boundless benefits of spectrum-based services. That is why I sincerely hope that my colleagues join Senator WARNER and me in supporting this important legislation.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 4722. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 4723. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4724. Mr. WARNER (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4725. Mr. WHITEHOUSE (for Mr. DURBIN) proposed an amendment to the bill S. 987, to protect girls in developing countries through the prevention of child marriage, and for other purposes.

#### TEXT OF AMENDMENTS

SA 4722. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle J of title V, add the following:

**SEC. 594. SUICIDE PREVENTION MONITORING OF MEMBERS OF THE ARMED FORCES ADMINISTRATIVELY SEPARATED FOR HIGH RISK BEHAVIOR DURING THEIR TRANSITION TO DEPARTMENT OF VETERANS AFFAIRS CARE.**

(a) FINDINGS.—Congress makes the following findings:

(1) Suicide rates for members of the Armed Forces on active duty and veterans have risen as a result of multiple tours of duty in ongoing military operations in Afghanistan and Iraq, with 20 percent of all suicides in the United States committed by veterans. On average, 18 veterans commit suicide each day, but just 5 such veterans—or 27 percent—are under the care of the Department of Veterans Affairs at the time.

(2) The 2010 Army Health Promotion Risk Reduction Suicide Prevention Report states that the current suicide problem in the Army is exacerbated by an acceptance of

high risk behaviors, which have been increasing since fiscal year 2004. The report contains recommendations that could result in the separation from the Armed Forces for disciplinary reasons of members who have a potential for suicide.

(3) To address this possibility, the Department of Defense and the Department of Veterans Affairs should jointly develop policies and procedures to specifically mitigate the risks associated with such separations.

(b) **SUICIDE PREVENTION MONITORING.**—

(1) **IN GENERAL.**—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly carry out a program to monitor members of the Armed Forces who are administratively separated from the Armed Forces for high risk behavior during their transition to receipt of care from the Department of Veterans Affairs and to otherwise assist such members in that transition. The program shall be known as the “DOD-to-VA Suicide Prevention Pipeline Program”.

(2) **ELEMENTS.**—Under the program, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly assign to each individual who is administratively separated from the Armed Forces for high risk behavior a case worker who shall meet with such individual, with such frequency as the Secretary of Defense and the Secretary of Veterans Affairs jointly determine appropriate, in order to monitor the behavior of such individual, offer support to such individual, and encourage such individual to take advantage of benefits and care provided by the Department of Veterans Affairs. Such meetings shall continue for a given individual until the individual is under the effective jurisdiction of the Department of Veterans Affairs or the Secretary of Defense and the Secretary of Veterans Affairs otherwise jointly determine such meetings are no longer necessary.

(3) **HIGH RISK BEHAVIOR.**—For purposes of this subsection, high risk behavior includes attempted suicide, illicit use of drugs (whether prescription or illegal), substance abuse, criminal activity, gambling, infidelity, excessive spending, reckless driving, and other such behavior that alone or in combination with other behavior results in administrative separation from the Armed Forces.

(c) **REPORT.**—Not later than 18 months after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the Committee on Armed Services of the Senate and Committee on Armed Services of the House of Representatives a report on the program required by subsection (b). The report shall set forth a description of the program and an assessment of the effectiveness of the program in preventing suicide among individuals who are administratively separated from the Armed Forces for high risk behavior.

**SA 4723.** Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

**SEC. 718. EXPANSION OF EMBEDDING OF BEHAVIORAL HEALTH PROVIDERS IN OPERATIONAL UNITS OF THE ARMY THROUGH MOBILE BEHAVIORAL HEALTH TEAMS.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) The Final Report of the Department of Defense Task Force on the Prevention of Suicide by Members of the Armed Forces, published in August 2010, states that “Service Members and behavioral health providers report overwhelmingly positive experiences with embedded mental health providers in operational units; however, the practice is underutilized.” The report further states that embedded behavioral health providers help members of the Armed Forces retain functionality in stressful environments, improve their psychological and emotional fitness, expedite their return to duty when exposed to traumatic events, and reduce stigma associated with behavioral healthcare, and calls for an expansion of the practice of embedding behavioral health providers in operational units.

(2) An evaluation of the pilot Mobile Behavioral Health Service (MBHS) at Fort Carson, Colorado, determined that the level of support for the Mobile Behavioral Health Service among soldiers and key unit leaders at Fort Carson and the positive effect of the Mobile Behavioral Health Teams on inpatient psychiatric admissions, off-post referrals, unit risk behaviors, soldiers characterized as non-deployable for behavioral health reasons, and potential cost savings of the Mobile Behavioral Health Service warranted replication of this model at other Army installations.

(b) **IN GENERAL.**—By not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall put in place at not less than four Army installations with a brigade combat team selected by the Secretary for purposes of this section a Mobile Behavioral Health Team (MBHT) for purposes of facilitating early identification and treatment of behavioral health concerns among members of such combat teams and mitigating both inpatient psychiatric admissions and the necessity of referrals off-post for mental health care among such members.

(c) **ELEMENTS OF MBHT.**—The Secretary shall consider utilizing a model for each Mobile Behavioral Health Team put in place under subsection (b) that includes the assignment of credentialed behavioral health providers exclusively to a single battalion within a brigade combat team to identify behavioral health problems early and with more accuracy, to remove barriers to care, and to improve treatment outcomes.

(d) **REPORT.**—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the actions taken under this section. The report shall include a comprehensive description of the activities of the Mobile Behavioral Health Teams put in place under this section and an assessment of the effectiveness of such teams in meeting the purposes of such teams as described in subsections (b) and (c).

**SA 4724.** Mr. WARNER (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

**SEC. 349. REPORT ON AIR SURVEILLANCE CONFLICTS AT VIRGINIA BEACH, VIRGINIA.**

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on potential air surveillance conflicts at Virginia Beach, Virginia.

(b) **ELEMENTS.**—The report required under subsection (a) shall include the following:

(1) An assessment of the impact on the performance of the Oceana Air Surveillance Radar (ARSR) of proposed construction of buildings in the Virginia Beach, Virginia, oceanfront area that are less than 200 feet high.

(2) An evaluation of the cost and impact on air surveillance operations of various options for reducing or eliminating potential air surveillance conflicts in the area, including—

(A) relocating the Oceana ARSR;

(B) upgrading the signal processing or power management capabilities of the Oceana ARSR;

(C) providing supplementary, “gap filler” radar through sources other than Oceana ARSR, including a cost estimate for the procurement and installation of such radar; and

(D) any other alternative options that would mitigate potential air surveillance conflicts.

(c) **CONSULTATION.**—In preparing the report required under subsection (a), the Secretary of Defense shall consult with the Secretary of the Navy, the Secretary of the Air Force, the Administrator of the Federal Aviation Administration, the Commander of the North American Aerospace Defense Command, and the Secretary of Homeland Security.

**SA 4725.** Mr. WHITEHOUSE (for Mr. DURBIN) proposed an amendment to the bill S. 987, to protect girls in developing countries through the prevention of child marriage, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “International Protecting Girls by Preventing Child Marriage Act of 2010”.

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) Child marriage, also known as “forced marriage” or “early marriage”, is a harmful traditional practice that deprives girls of their dignity and human rights.

(2) Child marriage as a traditional practice, as well as through coercion or force, is a violation of article 16 of the Universal Declaration of Human Rights, which states, “Marriage shall be entered into only with the free and full consent of intending spouses”.

(3) According to the United Nations Children’s Fund (UNICEF), an estimated 60,000,000 girls in developing countries now ages 20 through 24 were married under the age of 18, and if present trends continue more than 100,000,000 more girls in developing countries will be married as children over the next decade, according to the Population Council.

(4) Between ½ and ¾ of all girls are married before the age of 18 in Niger, Chad, Mali, Bangladesh, Guinea, the Central African Republic, Mozambique, Burkina Faso, and Nepal, according to Demographic Health Survey data.



(5) Factors perpetuating child marriage include poverty, a lack of educational or employment opportunities for girls, parental concerns to ensure sexual relations within marriage, the dowry system, and the perceived lack of value of girls.

(6) Child marriage has negative effects on the health of girls, including significantly increased risk of maternal death and morbidity, infant mortality and morbidity, obstetric fistula, and sexually transmitted diseases, including HIV/AIDS.

(7) According to the United States Agency for International Development (USAID), increasing the age at first birth for a woman will increase her chances of survival. Currently, pregnancy and childbirth complications are the leading cause of death for women 15 to 19 years old in developing countries.

(8) Most countries with high rates of child marriage have a legally established minimum age of marriage, yet child marriage persists due to strong traditional norms and the failure to enforce existing laws.

(9) Secretary of State Hillary Clinton has stated that child marriage is “a clear and unacceptable violation of human rights”, and that “the Department of State categorically denounces all cases of child marriage as child abuse”.

(10) According to an International Center for Research on Women analysis of Demographic and Health Survey data, areas or regions in developing countries in which 40 percent or more of girls under the age of 18 are married are considered high-prevalence areas for child marriage.

(11) Investments in girls’ schooling, creating safe community spaces for girls, and programs for skills building for out-of-school girls are all effective and demonstrated strategies for preventing child marriage and creating a pathway to empower girls by addressing conditions of poverty, low status, and norms that contribute to child marriage.

#### SEC. 3. CHILD MARRIAGE DEFINED.

In this Act, the term “child marriage” means the marriage of a girl or boy, not yet the minimum age for marriage stipulated in law in the country in which the girl or boy is a resident or, where there is no such law, under the age of 18.

#### SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) child marriage is a violation of human rights, and the prevention and elimination of child marriage should be a foreign policy goal of the United States;

(2) the practice of child marriage undermines United States investments in foreign assistance to promote education and skills building for girls, reduce maternal and child mortality, reduce maternal illness, halt the transmission of HIV/AIDS, prevent gender-based violence, and reduce poverty; and

(3) expanding educational opportunities for girls, economic opportunities for women, and reducing maternal and child mortality are critical to achieving the Millennium Development Goals and the global health and development objectives of the United States, including efforts to prevent HIV/AIDS.

#### SEC. 5. STRATEGY TO PREVENT CHILD MARRIAGE IN DEVELOPING COUNTRIES.

(a) ASSISTANCE AUTHORIZED.—

(1) IN GENERAL.—The President is authorized to provide assistance, including through multilateral, nongovernmental, and faith-based organizations, to prevent the incidence of child marriage in developing countries through the promotion of educational, health, economic, social, and legal empowerment of girls and women.

(2) PRIORITY.—In providing assistance authorized under paragraph (1), the President shall give priority to—

(A) areas or regions in developing countries in which 40 percent or more of girls under the age of 18 are married; and

(B) activities to—

(i) expand and replicate existing community-based programs that are successful in preventing the incidence of child marriage;

(ii) establish pilot projects to prevent child marriage; and

(iii) share evaluations of successful programs, program designs, experiences, and lessons.

(b) STRATEGY REQUIRED.—

(1) IN GENERAL.—The President shall establish a multi-year strategy to prevent child marriage and promote the empowerment of girls at risk of child marriage in developing countries, which should address the unique needs, vulnerabilities, and potential of girls under age 18 in developing countries.

(2) CONSULTATION.—In establishing the strategy required by paragraph (1), the President shall consult with Congress, relevant Federal departments and agencies, multilateral organizations, and representatives of civil society.

(3) ELEMENTS.—The strategy required by paragraph (1) shall—

(A) focus on areas in developing countries with high prevalence of child marriage;

(B) encompass diplomatic initiatives between the United States and governments of developing countries, with attention to human rights, legal reforms, and the rule of law;

(C) encompass programmatic initiatives in the areas of education, health, income generation, changing social norms, human rights, and democracy building; and

(D) be submitted to Congress not later than one year after the date of the enactment of this Act.

(c) REPORT.—Not later than three years after the date of the enactment of this Act, the President should submit to Congress a report that includes—

(1) a description of the implementation of the strategy required by subsection (b);

(2) examples of best practices or programs to prevent child marriage in developing countries that could be replicated; and

(3) an assessment, including data disaggregated by age and sex to the extent possible, of current United States funded efforts to specifically prevent child marriage in developing countries.

(d) COORDINATION.—Assistance authorized under subsection (a) shall be integrated with existing United States development programs.

(e) ACTIVITIES SUPPORTED.—Assistance authorized under subsection (a) may be made available for activities in the areas of education, health, income generation, agriculture development, legal rights, democracy building, and human rights, including—

(1) support for community-based activities that encourage community members to address beliefs or practices that promote child marriage and to educate parents, community leaders, religious leaders, and adolescents of the health risks associated with child marriage and the benefits for adolescents, especially girls, of access to education, health care, livelihood skills, microfinance, and savings programs;

(2) support for activities to educate girls in primary and secondary school at the appropriate age and keeping them in age-appropriate grade levels through adolescence;

(3) support for activities to reduce education fees and enhance safe and supportive conditions in primary and secondary schools to meet the needs of girls, including—

(A) access to water and suitable hygiene facilities, including separate lavatories and latrines for girls;

(B) assignment of female teachers;

(C) safe routes to and from school; and

(D) eliminating sexual harassment and other forms of violence and coercion;

(4) support for activities that allow adolescent girls to access health care services and proper nutrition, which is essential to both their school performance and their economic productivity;

(5) assistance to train adolescent girls and their parents in financial literacy and access economic opportunities, including livelihood skills, savings, microfinance, and small-enterprise development;

(6) support for education, including through community and faith-based organizations and youth programs, that helps remove gender stereotypes and the bias against girls used to justify child marriage, especially efforts targeted at men and boys, promotes zero tolerance for violence, and promotes gender equality, which in turn help to increase the perceived value of girls;

(7) assistance to create peer support and female mentoring networks and safe social spaces specifically for girls; and

(8) support for local advocacy work to provide legal literacy programs at the community level to ensure that governments and law enforcement officials are meeting their obligations to prevent child and forced marriage.

#### SEC. 6. RESEARCH AND DATA.

It is the sense of Congress that the President and all relevant agencies should, as part of their ongoing research and data collection activities—

(1) collect and make available data on the incidence of child marriage in countries that receive foreign or development assistance from the United States where the practice of child marriage is prevalent; and

(2) collect and make available data on the impact of the incidence of child marriage and the age at marriage on progress in meeting key development goals.

#### SEC. 7. DEPARTMENT OF STATE'S COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.

The Foreign Assistance Act of 1961 is amended—

(1) in section 116 (22 U.S.C. 2151n), by adding at the end the following new subsection:

“(g) The report required by subsection (d) shall include, for each country in which child marriage is prevalent, a description of the status of the practice of child marriage in such country. In this subsection, the term ‘child marriage’ means the marriage of a girl or boy, not yet the minimum age for marriage stipulated in law or under the age of 18 if no such law exists, in the country in which such girl or boy is a resident.”; and

(2) in section 502B (22 U.S.C. 2304), by adding at the end the following new subsection:

“(i) The report required by subsection (b) shall include, for each country in which child marriage is prevalent, a description of the status of the practice of child marriage in such country. In this subsection, the term ‘child marriage’ means the marriage of a girl or boy, not yet the minimum age for marriage stipulated in law or under the age of 18 if no such law exists, in the country in which such girl or boy is a resident.”.

#### AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on December 1, 2010, at 9:30 a.m., to conduct

a hearing entitled, "Problems in Mortgage Servicing from Modifications to Foreclosure, Part II."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND  
TRANSPORTATION

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on December 1, 2010, at 10:30 a.m., in room 253 of the Russell Senate Office Building. The Committee will hold a hearing entitled, "Transition and Implementation: The NASA Authorization Act of 2010."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND  
TRANSPORTATION

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on December 1, 2010, at 2:30 p.m., in room 253 of the Russell Senate Office Building. The Committee will hold a hearing entitled, "Are Mini Med Policies Really Health Insurance?"

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on December 1, 2010, at 2:30 p.m., to hold a hearing entitled, "Latin America in 2010: Opportunities, Challenges and the Future of U.S. Policy in the Hemisphere."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR,  
AND PENSIONS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on December 1, 2010, at 9:45 a.m., in SD-430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR,  
AND PENSIONS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled "Is Stronger Management and Oversight Needed?" on December 1, 2010. The hearing will commence at 10:15 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on December 1, 2010, at 10 a.m., in SD-226 of the Dirksen Senate Office

Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENDING THE CHILD SAFETY  
PILOT PROGRAM

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. 3998, which was introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant editor of the Daily Digest read as follows:

A bill (S. 3998) to extend the Child Safety Pilot Program.

There being no objection, the Senate proceeded to consider the bill.

Mr. WHITEHOUSE. I ask the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3998) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3998

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Criminal History Background Checks Pilot Extension Act of 2010".

**SEC. 2. EXTENSION.**

Section 108(a)(3)(A) of the PROTECT Act (42 U.S.C. 5119a note) is amended by striking "92-month" and inserting "104-month".

INTERNATIONAL PROTECTING  
GIRLS BY PREVENTING CHILD  
MARRIAGE ACT OF 2010

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 637, S. 987.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant editor of the Daily Digest read as follows:

A bill (S. 987) to protect girls in developing countries through the prevention of child marriage and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "International Protecting Girls by Preventing Child Marriage Act of 2010".

**SEC. 2. FINDINGS.**

*Congress makes the following findings:*

(1) Child marriage, also known as "forced marriage" or "early marriage", is a harmful traditional practice that deprives girls of their dignity and human rights.

(2) Child marriage as a traditional practice, as well as through coercion or force, is a violation

of article 16 of the Universal Declaration of Human Rights, which states, "Marriage shall be entered into only with the free and full consent of intending spouses".

(3) According to the United Nations Children's Fund (UNICEF), an estimated 60,000,000 girls in developing countries now ages 20 through 24 were married under the age of 18, and if present trends continue more than 100,000,000 more girls in developing countries will be married as children over the next decade, according to the Population Council.

(4) Between  $\frac{1}{2}$  and  $\frac{3}{4}$  of all girls are married before the age of 18 in Niger, Chad, Mali, Bangladesh, Guinea, the Central African Republic, Mozambique, Burkina Faso, and Nepal, according to Demographic Health Survey data.

(5) Factors perpetuating child marriage include poverty, a lack of educational or employment opportunities for girls, parental concerns to ensure sexual relations within marriage, the dowry system, and the perceived lack of value of girls.

(6) Child marriage has negative effects on the health of girls, including significantly increased risk of maternal death and morbidity, infant mortality and morbidity, obstetric fistula, and sexually transmitted diseases, including HIV/AIDS.

(7) According to the United States Agency for International Development (USAID), increasing the age at first birth for a woman will increase her chances of survival. Currently, pregnancy and childbirth complications are the leading cause of death for women 15 to 19 years old in developing countries.

(8) Most countries with high rates of child marriage have a legally established minimum age of marriage, yet child marriage persists due to strong traditional norms and the failure to enforce existing laws.

(9) Secretary of State Hillary Clinton has stated that "child marriage is a clear and unacceptable violation of human rights, and that the Department of State denounces all cases of child marriage as child abuse".

(10) According to an International Center for Research on Women analysis of Demographic and Health Survey data, areas or regions in developing countries in which 40 percent or more of girls under the age of 18 are married are considered high-prevalence areas for child marriage.

(11) Investments in girls' schooling, creating safe community spaces for girls, and programs for skills building for out-of-school girls are all effective and demonstrated strategies for preventing child marriage and creating a pathway to empower girls by addressing conditions of poverty, low status, and norms that contribute to child marriage.

**SEC. 3. CHILD MARRIAGE DEFINED.**

In this Act, the term "child marriage" means the marriage of a girl or boy, not yet the minimum age for marriage stipulated in law in the country in which the girl or boy is a resident.

**SEC. 4. SENSE OF CONGRESS.**

*It is the sense of Congress that—*

(1) child marriage is a violation of human rights, and the prevention and elimination of child marriage should be a foreign policy goal of the United States;

(2) the practice of child marriage undermines United States investments in foreign assistance to promote education and skills building for girls, reduce maternal and child mortality, reduce maternal illness, halt the transmission of HIV/AIDS, prevent gender-based violence, and reduce poverty; and

(3) expanding educational opportunities for girls, economic opportunities for women, and reducing maternal and child mortality are critical to achieving the Millennium Development Goals and the global health and development objectives of the United States, including efforts to prevent HIV/AIDS.

**SEC. 5. STRATEGY TO PREVENT CHILD MARRIAGE IN DEVELOPING COUNTRIES.**

(a) ASSISTANCE AUTHORIZED.—

(1) *IN GENERAL.*—The President is authorized to provide assistance, including through multilateral, nongovernmental, and faith-based organizations, to prevent the incidence of child marriage in developing countries through the promotion of educational, health, economic, social, and legal empowerment of girls and women.

(2) *PRIORITY.*—In providing assistance authorized under paragraph (1), the President shall give priority to—

(A) areas or regions in developing countries in which 40 percent or more of girls under the age of 18 are married; and

(B) activities to—

(i) expand and replicate existing community-based programs that are successful in preventing the incidence of child marriage;

(ii) establish pilot projects to prevent child marriage; and

(iii) share evaluations of successful programs, program designs, experiences, and lessons.

(b) *STRATEGY REQUIRED.*—

(1) *IN GENERAL.*—The President shall establish a multi-year strategy to prevent child marriage and promote the empowerment of girls at risk of child marriage in developing countries, and should include addressing the unique needs, vulnerabilities, and potential of girls under age 18 in developing countries.

(2) *CONSULTATION.*—In establishing the strategy required by paragraph (1), the President shall consult with relevant stakeholders.

(3) *ELEMENTS.*—The strategy required by paragraph (1) shall—

(A) focus on areas in developing countries with high prevalence of child marriage;

(B) encompass diplomatic initiatives between the United States and governments of developing countries, with attention to human rights, legal reforms and the rule of law, and programmatic initiatives in the areas of education, health, income generation, changing social norms, human rights, and democracy building; and

(C) be implemented not later than one year after the date of the enactment of this Act.

(c) *REPORT.*—Not later than three years after the date of the enactment of this Act, the President shall submit to Congress a report that includes—

(1) a description of the implementation of the strategy required by subsection (b);

(2) examples of best practices or programs to prevent child marriage in developing countries that could be replicated; and

(3) an assessment, including data disaggregated by age and sex to the extent possible, of current United States funded efforts to specifically prevent child marriage in developing countries.

(d) *COORDINATION.*—Assistance authorized under subsection (a) shall be integrated with existing United States programs for advancing appropriate age and grade-level basic and secondary education through adolescence, ensure school enrollment and completion for girls, health, income generation, agriculture development, legal rights, democracy building, and human rights, including—

(1) support for community-based activities that encourage community members to address beliefs or practices that promote child marriage and to educate parents, community leaders, religious leaders, and adolescents of the health risks associated with child marriage and the benefits for adolescents, especially girls, of access to education, health care, livelihood skills, microfinance, and savings programs;

(2) support for activities to educate girls in primary and secondary school at the appropriate age and keeping them in age-appropriate grade levels through adolescence;

(3) support for activities to reduce education fees and enhance safe and supportive conditions in primary and secondary schools to meet the needs of girls, including—

(A) access to water and suitable hygiene facilities, including separate lavatories and latrines for girls;

(B) assignment of female teachers;

(C) safe routes to and from school; and

(D) eliminating sexual harassment and other forms of violence and coercion;

(4) support for activities that allow adolescent girls to access health care services and proper nutrition, which is essential to both their school performance and their economic productivity;

(5) assistance to train adolescent girls and their parents in financial literacy and access economic opportunities, including livelihood skills, savings, microfinance, and small-enterprise development;

(6) support for education, including through community and faith-based organizations and youth programs, that helps remove gender stereotypes and the bias against girls used to justify child marriage, especially efforts targeted at men and boys, promotes zero tolerance for violence, and promotes gender equality, which in turn help to increase the perceived value of girls;

(7) assistance to create peer support and female mentoring networks and safe social spaces specifically for girls; and

(8) support for local advocacy work to provide legal literacy programs at the community level to ensure that governments and law enforcement officials are meeting their obligations to prevent child and forced marriage.

#### **SEC. 6. RESEARCH AND DATA.**

It is the sense of the Senate that the President and all relevant agencies should work through the Administrator of the United States Agency for International Development and any other relevant agencies of the Department of State, and in conjunction with relevant executive branch agencies as part of their ongoing research and data collection activities, to—

(1) collect and make available data on the incidence of child marriage in countries that receive foreign or development assistance from the United States where the practice of child marriage is prevalent; and

(2) collect and make available data on the impact of the incidence of child marriage and the age at marriage on progress in meeting key development goals.

#### **SEC. 7. DEPARTMENT OF STATE'S COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.**

The Foreign Assistance Act of 1961 is amended—

(1) in section 116 (22 U.S.C. 2151n), by adding at the end the following new subsection:

“(g) The report required by subsection (d) shall include for each country in which child marriage is prevalent at rates at or above 40 percent in at least one subnational region, a description of the status of the practice of child marriage in such country. In this subsection, the term ‘child marriage’ means the marriage of a girl or boy, not yet the minimum age for marriage stipulated in law or under the age of 18 if no such law exists, in the country in which such girl or boy is a resident.”; and

(2) in section 502B (22 U.S.C. 2304), by adding at the end the following new subsection:

“(i) The report required by subsection (b) shall include for each country in which child marriage is prevalent at rates at or above 40 percent in at least one subnational region, a description of the status of the practice of child marriage in such country. In this subsection, the term ‘child marriage’ means the marriage of a girl or boy, not yet the minimum age for marriage stipulated in law or under the age of 18 if no such law exists, in the country in which such girl or boy is a resident.”.

Mr. DURBIN. Mr. President, today, with the passage of the International Protecting Girls by Preventing Child Marriage Act, the Senate takes a step toward ending child marriage.

Child marriage is often carried out through force or coercion. It deprives

young girls, and sometimes boys, of their dignity and human rights. And it poses grave health risks. In some countries, it is not uncommon for girls as young as 7 or 8 years old to be married.

Child marriage also undermines U.S. foreign assistance to developing countries. We invest in education and skills-building for girls, improving maternal and child health, ending the transmission of HIV/AIDS, preventing gender-based violence, and reducing poverty. But where the girls targeted for assistance are married, these development strategies only go so far.

UNICEF estimates that 60 million girls in developing countries now ages 20 to 24 were married under the age of 18. The Population Council estimates that the number will increase by 100 million over the next decade if trends continue.

The International Protecting Girls by Preventing Child Marriage Act seeks to reverse those trends. Thanks to Senator OLYMPIA SNOWE and 41 other cosponsors from both sides of the aisle, the leadership of Senators JOHN KERRY and RICHARD LUGAR on the Foreign Relations Committee, and Representatives BETTY MCCOLLUM and ANDER CRENSHAW in the House for supporting the legislation to make ending child marriage a priority in foreign affairs.

I would also like to thank The Elders, a group of world leaders including Nelson Mandela, Desmond Tutu, and President Jimmy Carter, who work together to address major causes of human suffering around the globe. Their help and persistence on the legislation have been invaluable.

The human rights community has rightly identified the practice of child marriage as a major concern that treats young girls as property and traps them in a life of servitude. It denies girls educational and economic opportunities, sustaining a cycle of poverty in some of the world's poorest countries.

Many child brides live their lives in crushing hopelessness. Some are driven to attempt suicide to escape their misery.

A recent New York Times article entitled, “For Afghan Wives, a Desperate, Fiery Way Out,” shared the story of Farzana, engaged at 8 and married by 12. By the age of 17, she had endured years of verbal and physical abuse from her husband and his family.

She thought of ways to get out. She thought of running away but worried it would offend her family's sense of honor.

Finally, seeing no other way out and desperate, Farzana doused herself in cooking fuel and lit herself on fire.

Before this hell, Farzana had dreamed of becoming a teacher. Now, after 57 days in the hospital and multiple skin grafts, she has recovered from burns that covered more than half of her body.

Today she says, “Five years I spent in his house with those people. My

marriage was for other people. They should never have given me in a child marriage." Unfortunately, in many parts of the world, stories like these are common. Except, unlike Farzana, many succeed in killing themselves. Young girls in the developing world should not be made to face the choice between life as a child bride without hope or dying at their own hands to escape their torment.

In addition to denying tens of millions of women and girls their dignity, child marriage also endangers their health. Marriage at an early age puts girls at greater risk of dying as a result of childbirth. Pregnancy and childbirth complications are the leading cause of death for women 15 to 19 years old in developing countries. Their children also face higher mortality rates.

In September 2009, a highly publicized example of this occurred in Yemen. A 12-year-old girl died of severe bleeding after three agonizing days in labor. Her child died as well. She was married to a 24-year old man. Child brides are also at an increased risk of contracting a sexually transmitted disease, including HIV and AIDS.

The bill we passed today would require our government to develop an integrated, strategic approach to combating child marriage with the goal of eliminating this scourge worldwide. It authorizes assistance to prevent child marriage in developing countries and to promote the educational, health, economic, social and legal empowerment of girls and women. It would require priority for regions in developing countries with a high prevalence of child marriage.

The bill also would require the Federal Government to do a better job of tracking child marriage prevalence overseas.

In the Senate today, we take a big step toward helping children we will never meet in places we will never visit. There are some issues we must look at through the shared experience of humanity. Ensuring that children throughout the world do not have their childhoods robbed of them is one such issue.

The United States has always tried to be a leader in international human rights. By passing this bill, the Senate shows its determination to keep the United States at the forefront of human rights protection around the world.

I urge my colleagues in the House to work with Representatives MCCOLLUM and CRENSHAW and House Foreign Affairs Committee Chairman HOWARD BERMAN and Ranking Member ILEANA ROS-LEHTINEN and Speaker PELOSI to do the same.

Mr. WHITEHOUSE. I ask unanimous consent that the Durbin amendment be agreed to; the committee-reported substitute, as amended, be agreed to; the bill, as amended, be read a third time and passed with no intervening action or debate; and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4725) was agreed to.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 987), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

#### THE CALENDAR

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the following Federal naming bills, Calendar Nos. 658 through 661: H.R. 4387, H.R. 5651, H.R. 5706, and H.R. 5773.

There being no objection, the Senate proceeded to consider the bills.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the bills be read a third time and passed en bloc, the motions to reconsider be laid upon the table en bloc with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### WINSTON E. ARNOW FEDERAL BUILDING

The bill (H.R. 4387) to designate the Federal Building located at 100 North Palafox Street in Pensacola, Florida, as the "Winston E. Arnow Federal Building," was ordered to a third reading, read the third time, and passed.

#### ANDREW W. BOGUE FEDERAL BUILDING AND UNITED STATES COURTHOUSE

The bill (H.R. 5651) to designate the Federal building and United States courthouse located at 515 9th Street in Rapid City, South Dakota, as the "Andrew W. Bogue Federal Building and United States Courthouse," was ordered to a third reading, read the third time, and passed.

#### FRANK EVANS GOVERNMENT PRINTING OFFICE BUILDING

The bill (H.R. 5706) to designate the building occupied by the Government Printing Office located at 31451 East United Avenue in Pueblo, Colorado, as the "Frank Evans Government Printing Office Building," was ordered to a third reading, read the third time, and passed.

#### ROBERT M. BALL FEDERAL BUILDING

The bill (H.R. 5773) to designate the Federal building located at 6401 Security Boulevard in Baltimore, Maryland, commonly known as the Social Secu-

rity Administration Operations Building, as the "Robert M. Ball Federal Building," was ordered to a third reading, read the third time, and passed.

#### WREATHS ACROSS AMERICA

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of and the Senate now proceed to S. Res. 686.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant editor of the Daily Digest read as follows:

A resolution (S. Res. 686) designating December 11, 2010, as "Wreaths Across America Day."

There being no objection, the Senate proceeded to consider the resolution.

Ms. COLLINS. Mr. President, in honor of the hard work and generosity of all those involved in the Wreaths Across America project, U.S. Senators OLYMPIA J. SNOWE and I have submitted a resolution in the Senate that would designate Saturday, December 11, as "Wreaths Across America Day."

On Saturday, December 11, a convoy of Mainers will arrive at Arlington National Cemetery to honor our Nation's fallen heroes. At each of the thousands of gravesites at our country's most hallowed resting place, citizens from Maine will lay Maine-made balsam wreaths at each gravesite that identifies one of our Nation's fallen veterans. Joining them will be the Patriot Guard Riders, an organization made up of men and women who have volunteered a portion of their lives to consecrating the sacrifice of the service men and women who gave their all for our country. Together, they will continue their tradition of escorting and driving tractor-trailers filled with donated wreaths on the journey from Harrington, ME, to Arlington National Cemetery. This is the 19th consecutive year that Morrill Worcester, owner of Worcester Wreath Company in Harrington, has made this generous donation. And once again, more than 100,000 wreaths will be placed in more than 400 locations, including Arlington National Cemetery and at veterans cemeteries in America and abroad.

The holiday season is one that many Americans enjoy by spending time in the comfort and company of their family and close friends. Many families who have lost loved ones serving their country will not share the same comfort and joy during this holiday season. The men and women behind the Wreaths Across America project work hard to honor these families and their lost love ones. Our resolution is a modest way for the U.S. Senate to honor these men and women, as well as the veterans and families who sacrifice so much in order to make it possible for us to celebrate this holiday season in freedom.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be

agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 686) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 686

Whereas 19 years ago, the Wreaths Across America project began an annual tradition, during the month of December, of donating, transporting, and placing Maine balsam fir holiday wreaths on the graves of the fallen heroes buried at Arlington National Cemetery;

Whereas since that tradition began, through the hard work and generosity of the individuals involved in the Wreaths Across America project, hundreds of thousands of wreaths have been sent to national cemeteries and veterans memorials in every State and to locations overseas;

Whereas in 2009, wreaths were sent to over 400 locations across the United States, 100 more locations than the previous year, and 24 sites overseas;

Whereas in December 2010, the Patriot Guard Riders, a motorcycle and motor vehicle group that is dedicated to patriotic events and includes more than 200,000 members nationwide, will continue their tradition of escorting a tractor-trailer filled with donated wreaths from Harrington, Maine, to Arlington National Cemetery;

Whereas thousands of individuals volunteer each December to escort and lay the wreaths;

Whereas December 12, 2009, was previously designated by the Senate as “Wreaths Across America Day”; and

Whereas the Wreaths Across America project will continue its proud legacy on December 11, 2010, bringing 15,000 wreaths to Arlington National Cemetery on that day: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates December 11, 2010, as “Wreaths Across America Day”;

(2) honors the Wreaths Across America project, the Patriot Guard Riders, and all of the volunteers and donors involved in this worthy tradition; and

(3) recognizes the sacrifices our veterans, members of the Armed Forces, and their families have made, and continue to make, for our great Nation.

#### ORDERS FOR THURSDAY, DECEMBER 2, 2010

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, December 2; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each, with the majority controlling the first 30 minutes and the Republicans controlling the next 30 minutes. Finally, I ask that the Senate recess from 12:30 until 3:30 p.m. for the Democratic caucus meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW

Mr. WHITEHOUSE. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:32 p.m., adjourned until Thursday, December 2, 2010, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### THE JUDICIARY

BERNICE BOUIE DONALD, OF TENNESSEE, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE RONALD LEE GILMAN, RETIRED.

ARENDA L. WRIGHT ALLEN, OF VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF VIRGINIA, VICE JEROME B. FRIEDMAN, RETIRED.

MICHAEL FRANCIS URBANSKI, OF VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF VIRGINIA, VICE NORMAN K. MOON, RETIRED.

CLAIRE C. CECCHI, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY, VICE JOSEPH A. GREENAWAY, ELEVATED.

ESTHER SALAS, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY, VICE KATHARINE SWEENEY HAYDEN, RETIRED.

MARK RAYMOND HORNAK, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA, VICE DONETTA W. AMBROSE, RETIRED.

ROBERT DAVID MARIANI, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF PENNSYLVANIA, VICE JAMES M. MUNLEY, RETIRED.

JOHN ANDREW ROSS, OF MISSOURI, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MISSOURI, VICE CHARLES A. SHAW, RETIRED.

##### DEPARTMENT OF JUSTICE

CHRISTOPHER R. THYER, OF ARKANSAS, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF ARKANSAS FOR THE TERM OF FOUR YEARS, VICE HARRY E. CUMMINS, III, RESIGNED.

# EXTENSIONS OF REMARKS

CONGRATULATING MEDRAD ON  
2010 MALCOLM BALDRIGE NA-  
TIONAL QUALITY AWARD

**HON. JASON ALTMIRE**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 1, 2010*

Mr. ALTMIRE. Madam Speaker, it is my privilege to recognize MEDRAD Incorporated as a recipient of the 2010 Malcolm Baldrige National Quality Award—the nation's highest presidential honor for excellence in manufacturing.

MEDRAD began in the kitchen of its founder, Dr. M. Stephen Heilman, more than forty years ago and continues to showcase western Pennsylvania as a leader in medical technology. Today, the company manufactures cutting edge medical devices used for diagnosing and treating diseases. MEDRAD's international headquarters are located in my district and it employs more than 1,400 individuals throughout the Pittsburgh region.

The company is recognized as a market leader in the United States and Europe as it continues to produce quality medical equipment for healthcare providers and patients. MEDRAD has been a pioneer in medical imaging technology, enabling doctors to get specific scans that lead to faster, more accurate treatment. The company has also been an excellent source of job creation and economic development in western Pennsylvania. It has helped the region transform itself from one dominated by the steel industry and manufacturing to an emerging medical, life-science, and technology hub.

The Malcolm Baldrige National Quality Award recognizes exemplary companies committed to high achievement and superior performance strategies. Congress established the award in 1987 in an effort to enhance the competitiveness of U.S. businesses through recognition of model companies.

Madam Speaker, since 1988 only 86 organizations have received this award. As a previous recipient of this award in 2003, MEDRAD becomes one of only five repeat-winners in the award's 23-year history.

I would like to extend my congratulations to MEDRAD and its employees for receiving the 2010 Malcolm Baldrige National Quality Award.

## CLAIMS RESOLUTION ACT OF 2010

SPEECH OF

**HON. ELIJAH E. CUMMINGS**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 30, 2010*

Mr. CUMMINGS. Mr. Speaker, I rise today in strong support of the motion to concur in the Senate amendments to H.R. 4783. I applaud Chairman RAHALL for his work on this legislation and commend Speaker PELOSI and

Leader HOYER for bringing this legislation to the floor.

The Senate amendments to H.R. 4783 include, among other provisions, the funds necessary to implement settlements reached in the Pigford case brought by black farmers who were discriminated against by the U.S. Department of Agriculture, USDA, between 1983 and 1997.

These farmers were denied farm loans and related financial assistance—such as disaster assistance—or were forced to wait so long to receive such assistance that many of them suffered significant financial loss and even the foreclosure of their property.

Perhaps not surprisingly given how the USDA had already treated them, many of these farmers were subsequently unable to obtain justice from the USDA when they brought discrimination complaints to the agency.

Multiple studies of the USDA's lending process revealed the scope of the discrimination inherent in the USDA's practices, showing that the agency awarded a disproportionate portion of aid to white farmers and even to major corporations—and had made significantly larger awards to white farmers. Discrepancies were noted particularly in the provision of disaster assistance payments.

I note that according to the 2007 Census, the average annual market value of African American-owned farms was less than \$31,000. By comparison, the average value of farms owned by white farmers exceeded \$140,000—and many of the corporations that were receiving USDA payments were worth millions of dollars.

While the USDA changed its practices in the late 1990s, the agency remained unable or simply unwilling to rectify the harm its discriminatory action had caused to black farmers—leading Timothy Pigford to file a class action lawsuit seeking relief.

A settlement resolving this suit was approved in 1999—and according to the Congressional Research Service, as of September 2010, nearly 7,000 of the 22,721 farmers eligible to join this class action suit had received approved adjudications.

However, many thousands more who suffered discrimination and were eligible to receive a settlement have still not received an adjudication—or missed the deadline to submit a claim under the original settlement.

Subsequently, Congress enacted legislation permitting those who had not received a determination to petition for one in civil court. And in February of this year, the Obama administration reached a \$1.25 billion settlement of these so-called “Pigford II” claims.

The Senate amendments to H.R. 4783 include the funds necessary to pay these claims and bring closure to thousands of families who have waited for so many years for this restitution.

I note that the Senate amendments also include the funds necessary to resolve suits brought by Native Americans pertaining to the mismanagement by the Department of the Interior of natural resource royalty funds.

The finalization of these funds is a critical step that we take as a nation to show the world that we are truly committed to equality, and that we are a nation where every person is treated fairly, regardless of race, creed or color. We are also a nation where even the Federal Government is not above the law—as evidenced by the payment of reparations to those who have been harmed by the government's illegal and discriminatory acts.

I urge the adoption of the Senate amendments to H.R. 4783.

## A TRIBUTE IN HONOR OF THE LIFE OF THEODORE C. SORENSEN

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 1, 2010*

Ms. ESHOO. Madam Speaker, I rise today to honor the extraordinary life of Theodore C. “Ted” Sorensen, peerless wordsmith and presidential counselor, who died on October 31, 2010, only a week before the 50th anniversary of President John F. Kennedy's election.

Born in Lincoln, Nebraska, Ted Sorensen always mused about the impact that Lincoln—the President and the place—had on his life. He grew up immersed in the language and lore of Lincoln, excelling at speech and debate and engaging in impassioned discussions with his father, C.A. Sorensen, Nebraska's Attorney General and a close associate of the progressive Republican Senator George Norris. By the time Ted Sorensen made his way to Washington DC after graduating with honors from the University of Nebraska and its law school, his rigorous, homespun upbringing made him the perfect partner for Kennedy.

Joining Kennedy's staff as a legislative aide only days after Kennedy's election to the Senate, Ted Sorensen remained with him until the fateful day in Dallas that forever changed America. For a decade, they were inseparable. Kennedy called Ted Sorensen his “intellectual blood bank,” and Ted often said that he could finish Kennedy's sentences for him. Together they renewed our commitment to civil rights, averted a nuclear war, and began the race to reach the stars. Their unique and enduring relationship defined a decade, and in concert they called on a nation to serve and to sacrifice.

Though shattered by loss, Ted Sorensen did not let unspeakable tragedy silence him. He wrote and lectured widely on public affairs, publishing a bestselling Kennedy biography and his own memoirs. He practiced law, aided candidates and officeholders, and mentored a younger generation of writers. As one of the last living links to the Kennedy legacy, Ted Sorensen felt a special responsibility to share the spirit of his fallen friend. After Ted's passing, Caroline Kennedy thanked him for “his guidance, his generosity of spirit and the special time he took to teach my children about

• This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



their grandfather." For 82 years, he remained committed to the same people and principles. In the final analysis, Ted Sorensen was sustained by the world of words, just as his words sustained the world.

How do we honor a man whose own enduring words pay him far greater tribute than ours ever could? Paying tribute to Nebraska Senator George Norris, President Franklin D. Roosevelt proposed the following criteria: "History asks, 'Did the man have integrity? Did the man have unselfishness? Did the man have courage? Did the man have consistency?'" Like his lifelong political hero Norris, this much Ted Sorensen had—and more.

Much more than a counselor to a president, Ted Sorensen was the keeper of the Kennedy flame, and the conscience and unrivaled communicator of liberalism in America. Largely thanks to him, Kennedy campaigned in poetry and governed in the same manner. Ted Sorensen's speeches were poetry written in the meter of American memory, and it is fitting that he has become part of our national narrative himself as his prose takes its place in the pantheon of the past. Together with his friend and political patron, Ted Sorensen lit a fire, and the glow from that fire continues to truly light the world.

Madam Speaker, I ask my colleagues to join me in extending our deepest condolences to Ted's wife, Gillian Martin Sorensen; his children, Eric, Stephen, Philip, and Juliet; his seven grandchildren; his brother, Philip; and his sister, Ruth. Ted Sorensen was the last and the best of the New Frontier, and words cannot adequately express his impact. We have lost the man who challenged our country to live up to its promise in liquid, living prose. His words and his work will live on in the muted marble of the Kennedy gravesite, and in the hearts and minds of all those who thrilled to his vision of a kinder, more just America. He and President Kennedy inspired me and drew me to public service, and I am especially blessed to pay tribute to this extraordinary American. Ted Sorensen has drafted the words and the blueprint; now, the trumpet summons us once more, and again the torch has been passed to a new generation of Americans. We mourn his passing and we accept his final challenge to realize our Nation's best ideals.

#### RECOGNIZING THE PUBLIC SERVICE OF THE HONORABLE PAUL W. TRESSLER

##### HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 1, 2010*

Mr. GERLACH. Madam Speaker, I rise today to recognize the Honorable Paul W. Tressler who is retiring after faithfully serving the people of Montgomery County, Pennsylvania as a judge, prosecutor and public defender for much of the last four decades.

Judge Tressler's distinguished public service career started as a prosecutor in the District Attorney's Office in 1968, eventually organizing and supervising the County's first Narcotics Task Force and serving as head of the appellate division. Appointed by Gov. Richard Thornburgh to fill a vacancy on the bench in April 1983, Judge Tressler later that year was

elected to a full term and has held the job since then.

Improving the adjudication process for juveniles, and ensuring the effectiveness of the various programs for young offenders, have been hallmarks of Judge Tressler's tenure. As Juvenile Judge, he established the first truancy program in Montgomery County and played a central role in securing a grant to establish a model program to prevent children from being held in secured detention for more than six hours. Thanks to Judge Tressler's hard work and dedication as Administrative Juvenile Judge, County juvenile agencies have been recognized with numerous prestigious state and national awards, including Shelter Education Program of the Year, the Residential Program of the Year, the Outstanding Detention Program and the Community Service and Victim Services Award. He is sharing his tremendous knowledge as an instructor with the Federal Law Enforcement Training Center and the Office of Juvenile Justice and Delinquency Prevention, currently teaching prosecutorial practices in its child abuse and exploitation course.

Madam Speaker, I ask that my colleagues join me today in recognizing the outstanding service and extraordinary career of the Honorable Paul W. Tressler and all who dedicate their careers to the pursuit of justice.

#### HONORING WILLIS EDWARDS

##### HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 1, 2010*

Ms. WATSON. Madam Speaker, I rise today to congratulate Civil Rights icon Willis Edwards for being honored during tonight's "Heroes in the Struggle" gala in recognition of his commitment to HIV/AIDS activism.

For decades, Mr. Edwards has been dedicated to maintaining a national dialogue on HIV/AIDS. As a member of the National Board of the NAACP he helped to establish the HIV/AIDS Committee of the NAACP, and has served as a member of that committee since 1997. He has spoken across the country and around the world on HIV/AIDS issues, and served as Associate Producer for the film "The Faces of AIDS."

Too often people do not want to confront the HIV/AIDS epidemic, but it is advocates like Mr. Edwards who remind us that millions of people around the world continue to contract and to suffer from this deadly virus.

HIV/AIDS is but one of the many areas for which Mr. Edwards has served as a leader and advocate over the course of his lifetime, and I am pleased to offer my congratulations for this award he so clearly deserves.

#### PERSONAL EXPLANATION

##### HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 1, 2010*

Mr. JOHNSON of Illinois. Madam Speaker, Monday, November 29, I was unable to cast my votes on H.R. 5877 and H. Res. 771 and wish the record to reflect my intentions had I

been able to vote. Last night I was conducting a meeting with local businesses in my district and was unable to travel to Washington, DC in time for the votes.

Had I been present on rollcall No. 581 on suspending the rules and passing H.R. 5877, To designate the facility of the United States Postal Service located at 655 Centre Street in Jamaica Plain, Massachusetts, as the "Lance Corporal Alexander Scott Arredondo, United States Marine Corps Post Office Building", I would have voted "nay."

Had I been present on rollcall No. 582 on suspending the rules and passing H. Res. 771, Supporting the goals and ideals of a National Mesothelioma Awareness Day, I would have voted "aye."

#### H.R. 6464, THE "FIREFIGHTER SAFETY ENHANCEMENT ACT OF 2010"

##### HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 1, 2010*

Mr. OBERSTAR. Madam Speaker, I rise today to introduce H.R. 6464, the "Firefighter Safety Enhancement Act of 2010". This bill helps address the needs of this country's dedicated heroes—our firefighters—who risk their lives every day as they race to save ours. Many of these brave men and women, whether they are volunteer, on-call, or career firefighters, are in dire need of new and up-to-date fire stations and training facilities. We truly need to address this matter, because their duties already place firefighters' lives and health in danger, and we should not allow them to work in facilities that also put them at risk.

I have seen firsthand in my own district that our fire stations are deteriorating and many are beyond repair. In Virginia, Minnesota, the fire station is more than 100 years old. It was originally designed for horse-drawn apparatus, and the floor is so stressed that giant timbers have been used to support the structure so the fire engines do not fall through the floor into the basement. In Pine City and Hoyt Lakes, Minnesota, the fire stations outlived their usefulness decades ago.

We expect our Nation's firefighters to protect us, and yet we have not provided them with the necessary fire stations and training facilities that help us protect them. When he was running for President a number of years ago, Senator John Kerry said, "we shouldn't be opening firehouses in Baghdad and closing them down in our own communities." That message remains as true today as it was then.

I urge my colleagues to join me in supporting H.R. 6464, the "Firefighter Safety Enhancement Act of 2010".

#### A TRIBUTE IN HONOR OF THE HONORABLE MARY CURTIS DAVEY

##### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 1, 2010*

Ms. ESHOO. Madam Speaker, I rise today to honor the long life and lasting legacy of

Mary Curtis Davey, a distinguished Californian and the conscience of our community, who died October 2, 2010. Throughout her life, Mary was a consummate community activist and advocate whose tremendous accomplishments remind us of the difference one person can make.

A native of Columbus, Ohio, Mary attended Smith College and graduated with degrees in English and government. She met and married Jack Davey, a Korean War veteran, and moved to Baltimore, where she first became involved in fighting housing discrimination. After moving to Los Altos Hills in 1961, Mary brought her compassion and intensity of purpose to the Peninsula, making her mark almost immediately. She became Mayor of Los Altos Hills in 1966, where her fair housing advocacy caused her to be recalled from the City Council. Unfazed, Mary continued to fight vigorously for equity and opportunity through countless community channels.

Among her many invaluable roles, Mary served as the Director of Midpeninsula Citizens for Fair Housing, CEO of Santa Clara County Advocates for Women, Interim Executive Director of the Palo Alto Red Cross, Board Member of Hidden Villa, and Co-Founder of the Midpeninsula Regional Open Space District, which was one of her proudest accomplishments. But even the stunning 56,000 acres couldn't contain Mary's boundless enthusiasm and dedication . . . she was truly a local force of nature, a civic superwoman of remarkable poise and power.

When Mary was honored with the Josephine and Frank Duveneck Humanitarian Award in 2001, I was privileged to pay tribute to her in Congress. I said then that "Mary Curtis Davey was "an exceptional voice and advocate for improving the quality of life in our community" and an extraordinary woman who "dedicated her life to making the San Mateo Peninsula a more humane, beautiful and healthy place." She continued her commitment to community right up until the day she died.

Madam Speaker, I ask my colleagues to join me in extending our deepest condolences to Mary Davey's husband, Jack; her children, Kit, John, and Curtis; and her grandchildren, John, Devon, Christopher, and Callan. The Reverend Carl Frederick Buechner writes that vocation is "where your deep gladness and the world's deep hunger meet." Few people better embody this intersection than Mary. For 80 years she applied her own inimitable talents to the concerns of her community, raising our spirits and feeding our souls. Her extraordinary environmental and humanitarian contributions have enriched the Bay Area in countless ways, and will live on in the open spaces, fair housing, and social services she championed. I consider myself blessed to have been her friend and her Representative and I ask the entire House of Representatives to join me in honoring the life of this singularly exceptional woman who strengthened her community and her country with unparalleled contributions.

## HONORING BRANDON GEORGE HECHT

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Brandon George Hecht. Brandon is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 332, and earning the most prestigious award of Eagle Scout.

Brandon has been very active with his troop, participating in many Scout activities. Over the many years Brandon has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Brandon has contributed to his community through his Eagle Scout project. Brandon designed and constructed an outdoor classroom for a local day care, providing an excellent opportunity for the students to learn about nature and the world around them.

Madam Speaker, I proudly ask you to join me in commending Brandon George Hecht for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

## IN HONOR OF CURTIS J. HILL

### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. FARR. Madam Speaker, I rise today to honor Curtis J. Hill, a model public servant who is retiring from the position of San Benito County Sheriff/Coroner after a thirty-four year career in law enforcement. Over the course of my tenure in the House of Representatives, I have had the great pleasure of working with Curtis. I have come to value his professionalism and admire his steady counsel on public safety matters. I am proud to honor and thank him for his service.

Curtis was born in Ankara, Turkey. He lived in Germany, Southern California and in Texas before he settled in San Benito County. Curtis holds a Bachelor of Science degree in Criminology from California State University Fresno. He is also a graduate of the FBI National Academy, a professional course of study for U.S. and international law enforcement leaders that serves to improve the administration of justice in police departments and agencies at home and abroad, which raises law enforcement standards, knowledge, and cooperation worldwide.

Curtis began his career with the San Benito County Sheriff's Office in 1976, working in the Patrol, Training, Civil, Corrections, Coroner and Investigations Divisions. He became a court expert, testifying on problems surrounding illegal drug production. Curtis also became the first Fingerprint Examiner for the Sheriff's Department and gave expert testimony in various high profile court cases. In 1988 he was appointed Undersheriff, by Sheriff Harvey S. Nylan and held the position for ten years. In January 1999, he was elected as

Sheriff/Coroner and was reelected to his third term in 2006.

Curtis is the current president of the California State Sheriffs' Association and is the past President of the California State Coroner's Association. He is a past member of the Corrections Standards Authority. At the federal level, Curtis sits on the Health and Human Services Organ Donation Leadership Coordinating Counsel, and is a tireless advocate for saving lives through organ donation. He has been appointed to the Mental Health Services Oversight and Accountability Commission and is a strong supporter of prevention and intervention activities for youth.

Madam Speaker, on behalf of the House of Representatives, I would like to extend our nation's deepest gratitude to Sheriff Curtis Hill's thirty-four years of service in law enforcement. He was a great Sheriff/Coroner and he will continue to be a strong community leader, loving husband to wife Ellen and proud father of son Kevin.

## TRIBUTE TO CARLA WARRICK

### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. LATHAM. Madam Speaker, I rise to recognize the retirement of Carla Warrick, library technician at the Ericson Public Library in Boone, Iowa after 37 years of service. I would like to express my appreciation for her devotion to literature and spreading the joy of reading to members of her community.

Although she was first hired at the library as a secretary, her job gradually changed to administrative assistant and then to library technician. Her duties expanded over the years, and she saw many changes both in the technology that the library utilized and in the building itself. While she enjoyed being surrounded by the books that she loved, it was meeting and interacting with the people—both her coworkers and the patrons—that Carla loved the most. Her experience and knowledge will certainly be missed.

I commend Carla Warrick for her commitment to literature, her career, and members of her community. It is an honor to represent her in Congress, and I wish her only joy and happiness in her retirement.

## IN RECOGNITION OF HIS SERVICE TO OUR NATION ON THE PASSING OF MAJOR GEORGE A. PAVLICIN, USMC (RET.)

### HON. BILL POSEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. POSEY. Madam Speaker, I rise today to recognize Major George A. Pavlicin, United States Marine Corps, Retired, a World War II veteran and Central Florida resident, who passed away on November 23, 2010. Major Pavlicin spent his life serving his country and his family, and I am proud to take a moment to honor his lifetime of dedication and service.

George Pavlicin was born and raised on Long Island, New York, the son of Navy veteran and Nassau County Police Officer Michael Pavlicin and his wife Margaret. In 1942,

just after finishing high school, he signed up as an Aviation Cadet in the United States Naval Reserve and was commissioned as 2nd Lieutenant in the Marine Corps. He flew the F4U Corsair fighter from aircraft carriers in the Pacific Theater of Operations during World War II—while his older brother Mike was serving in the Navy, and his younger brother Jim was serving in the Army.

In the summer of 1945, at the close of the war, he married Mary Elizabeth White, who survives him. During their sixty-five years of marriage they had six children—two of whom pre-deceased him—eleven grandchildren, and eleven great-grandchildren. Two of their sons followed his example by serving their country in uniform, in the Air Force and the Marine Corps.

Major Pavlicin served on active duty for more than twenty years, including service during the Korean Conflict. During his long and honorable service, which was in keeping with the highest traditions of the Marine Corps, he was stationed in China, Japan, Korea, the Philippines and on Okinawa. He retired from active service in 1963 and worked for the Grumman Aircraft Engineering Corporation on Long Island for twenty-three years, retiring again in 1986. He and Mary later moved to Central Florida, and were active members of their community, worshipping at St. John the Evangelist Church in Viera. He will be buried at Arlington National Cemetery.

Madam Speaker, on behalf of the United States Congress, I am privileged to honor Major George A. Pavlicin, a man whose life and service reflect great credit upon himself, his family, and the United States Marine Corps. He will be remembered as a loving husband and father, an honorable Marine, and as an important part of our community. My wife Katie and I offer our prayers for his wife, Mary, children, George Alan, Patrick, Karen, and Beth, grandchildren and great-grandchildren, as we remember and honor the life of George Pavlicin.

A TRIBUTE TO THE PASTOR  
MICHAEL L. BELL

**HON. BRETT GUTHRIE**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 1, 2010*

Mr. GUTHRIE. Madam Speaker, I rise today to honor Pastor Michael L. Bell for his faithful service to his community and the Commonwealth of Kentucky. On December 27, 2010, he will celebrate 40 years of service at Glendale Christian Church.

Known as the 'go-to-guy,' Pastor Bell is quick to lend a helping hand and an ear to listen. He is a caring, thoughtful and considerate individual who is always interested in assisting others.

Beyond his service to Glendale Christian Church, Pastor Bell is also very active in the community. He is currently serving as Commissioner of the Hardin County Water District #2, Chaplain of the Hardin County Chamber of Commerce, is a member of the Board of Regents for Louisville Bible College and is on the Board of Directors for Helping Hand.

Pastor Bell is also the announcer for Hardin County High School football games and for both the boys and girls basketball teams.

A testament to Pastor Bell's dedication to the community can be seen in his regular visits to those in hospitals and nursing homes, and also through his outreach to widows, who often need help with physician visits, financial decisions and home maintenance.

Pastor Bell and his wife Sharon have been married for 44 years and are the proud parents of two sons, Jon Michael and Christopher David, and proud grandparents of Samantha and Caehla. I ask my colleagues to join me in honoring Pastor Michael L. Bell for his steadfast commitment, service and dedication.

CALLING FOR DIGNITY, COMFORT,  
AND SUPPORT FOR HOLOCAUST  
SURVIVORS

SPEECH OF

**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 30, 2010*

Mr. HASTINGS of Florida. Madam Speaker, I rise in proud support of H. Con. Res. 323, a resolution supporting the goal of ensuring that all Holocaust survivors in the United States are able to live with dignity, comfort, and security in their remaining years. Following the tragic and unforgivable circumstances of their youth, these survivors came to the United States seeking a better life. They found a new home here in America, and it is our duty to provide for their well-being as best we can.

Over 127,000 Holocaust survivors live in the United States, about three-fourths of whom are in their 80s and 90s, and a majority of whom live alone. Sadly, more than half of these survivors fall beneath the 200-percent threshold for the federal poverty line, meaning they earn less than \$21,660 a year. In fact, Holocaust survivors are five times more likely to be living below the poverty line than other older Americans. My constituents in South Florida are not immune from this reality, and they need our support.

Holocaust survivors have special needs that would greatly benefit from access to social service programs that would enable them to age in place in their current residences, with access to transportation and other services to ensure their health and well-being. This legislation encourages the Department of Health and Human Services and the Administration on Aging to expeditiously develop and implement programs that ensure Holocaust survivors have access to the care they need and deserve.

Mr. Speaker, I am pleased to stand with so many of my colleagues on this important resolution, and I applaud the efforts of the many nonprofit organizations and agencies which work tirelessly to honor and assist Holocaust survivors throughout the United States. Freedom and liberty, justice and human rights—these are the values represented by the survivors of the Holocaust. We have a moral obligation to acknowledge their plight and uphold their dignity to ensure their well-being in their remaining years.

I urge my colleagues to support the passage of this worthy legislation.

CLAIMS RESOLUTION ACT OF 2010

SPEECH OF

**HON. JANICE D. SCHAKOWSKY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 30, 2010*

Ms. SCHAKOWSKY. Madam Speaker, I rise today to express my sincere happiness that the House of Representatives passed by a vote of 256–152, the Claims Resolution Act. I regret that I was unable to vote on this landmark legislation and would like the record to reflect that had I been able to vote, I would have voted yes.

The Claims Resolution Act includes provisions that many black farmers and American Indians have literally been waiting decades for. H.R. 4783 contains funding to implement the settlements of the Pigford class action lawsuit involving past discrimination against black farmers by the Agriculture Department and the Cobell class action lawsuit involving funds for American Indians mismanaged by the Interior Department.

I voted for this legislation twice earlier this year as the House has passed funding for the Pigford and Cobell settlement—first in passing the American Jobs and Closing Tax Loopholes Act and then in adopting an amendment to the FY 2010 Supplemental—but both bills were blocked by Republicans in the Senate.

That is why I am so pleased that Senate was finally able to pass this important legislation and now, with passage in the House, it will go to the President's desk for signature, finally closing this dark episode in American history.

TRIBUTE TO VERLE BURGASON

**HON. TOM LATHAM**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 1, 2010*

Mr. LATHAM. Madam Speaker, I rise to recognize the retirement of Verle Burgason, co-owner and board chairman of the Ames Tribune in Ames, Iowa. His dedication and commitment to the citizens of the community is appreciated and unequalled.

Verle has spent the last 57 years devoted to journalism, reporting the stories that impacted the community, the state, and the Nation. Known for his honesty and straightforwardness, Verle was a champion of accurate and unbiased writing. During his career, he earned the Iowa Newspaper Association's Master Editor and Publisher award, and deservedly so.

Verle's devotion to the community didn't only find expression through journalism. He was active in United Way, served as president of the Ames Chamber of Commerce, and served on the board of directors at a local bank. He was also extensively involved in church leadership, demonstrating his deep belief in morals, ethics, and a higher power. Verle correctly asserted that community service is a duty that everyone is obligated to fill—an assertion that I wholeheartedly agree with and support.

I know that my colleagues in the United States Congress will join me in commending Verle Burgason for his decades of service at

the Ames Tribune and to the Ames community. It is an honor to serve as his representative, and I wish Verle and his wife Jo a happy and healthy retirement.

CONGRATULATING MAJ. GEN.  
(RET.) CHARLES METCALF

**HON. STEVE AUSTRIA**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 1, 2010*

Mr. AUSTRIA. Madam Speaker, it is an honor to join the people of Ohio's Seventh Congressional District in congratulating Maj. Gen. (Ret.) Charles Metcalf upon his retirement as director of the National Museum of the U.S. Air Force.

Prior to his service as director, he served in the U.S. Air Force for nearly 36 years on active duty in a variety of financial management and planning positions, retiring in 1991 in the grade of major general. His awards and honors include the Distinguished Service Medal with oak leaf cluster, the Defense Superior Service Medal, and the Legion of Merit.

Following his retirement from active duty, General Metcalf began his service as head administrator for the museum in 1996 and in 2005 he was appointed to the Senior Executive Service.

For the last 14 years he has managed the world's largest and oldest military aviation museum. The internationally acclaimed museum is located on the Wright-Patterson Air Force Base in Dayton, Ohio and portrays the heritage and traditions of the Air Force through specialized exhibits.

Under General Metcalf's management, the museum had flourished. In 2003, the museum began a long-term, multi-phased expansion with the building of the Eugene W. Kettering Cold War Gallery and the Missile Gallery, as well as the renovations to the Korean War exhibit. With these new additions, the museum provides more than 17 acres of indoor exhibition space. Future plans call for a Space Gallery, a Presidential Aircraft Interpretive Center, and a Global Reach Gallery.

During his tenure, General Metcalf increased museum attendance from 800,000 to nearly 1.4 million visitors and achieved the highest national recognition for a museum, the American Association of Museums accreditation in 1998 and reaccreditation in 2008.

General Metcalf also led the charge in changing the name of the museum, which was previously known as the United States Air Force Museum. The change reinforces the museum's national mission and its world-class collection, placing it at a level with the Smithsonian National Air and Space Museum in Washington, DC, the National Museum of Naval Aviation in Pensacola, Florida, and the National Museum of the Marine Corps.

General Metcalf has been dedicated to supporting the motto of the museum, "we are the keepers of their stories." He will forever be remembered for his advocacy for preserving our heritage to honor our veterans, many who gave their lives to protect our freedoms. The work he has done will stand as a lasting monument to the memory of those who have gone before, as well as his dedication to the exploration of our nation's history.

In addition to his duties as director, he provides technical and professional guidance to

the U.S. Air Force Heritage Program which includes 12 Air Force field museums and 260 domestic and international heritage sites.

He also was very active outside of his work at the museum and currently serves as the vice president of the Central Region for Boy Scouts of America, as well as on the organization's Leadership and Standards Committee. He is a former member of the Oakwood, Ohio City Council, and previously served on the Board of Directors for the Greater Dayton United Way, Ohio; the Board of Trustees for the County Corp Development, Dayton, Ohio; the Board of Directors for Greater Dayton Public Television, Ohio; and the National Alumni Board, Michigan State University.

Madam Speaker, I ask my fellow colleagues to join me and the constituents of Ohio's Seventh Congressional District in congratulating General Charles Metcalf for his outstanding service to our nation and the State of Ohio. His work today has ensured that the museum will see many future successes and our nation's history will be preserved for generations to come.

HONORING RICHARD JOHN PASTOR

**HON. THADDEUS G. MCCOTTER**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 1, 2010*

Mr. MCCOTTER. Madam Speaker, today I rise to honor the extraordinary life of Richard John Pastor and mourn him upon his passing at the age of 79.

Born on June 22, 1931, Richard Pastor dedicated his life to serving his community and his country. After honorably serving his country as a member of the United States Army, Richard came home to proudly become the second generation owner of his family's three generation Michigan based construction business, George H. Pastor and Sons.

Regrettably, on November 27, 2010, Richard Pastor passed from this earthly world to his eternal reward. He is survived by his beloved wife of 54 years, Carol and his children, Craig, Mahala, John, Tim, and Sharon. Preceding him in death was his son Keith. Richard leaves a legacy of 12 grandchildren and was a devoted brother to Jean and Robert. A courageous and honorable man, Richard will be sorely missed.

Madam Speaker, Richard Pastor is remembered as a compassionate father, a dedicated husband, honorable soldier, caring business owner, involved leader, and a true friend. Richard was a man who deeply treasured his family, friends, community and his country. Today, as we bid Richard John Pastor farewell, I ask my colleagues to join me in mourning his passing and honoring his unwavering patriotism and legendary service to our country and community.

OPIC CONTRIBUTES TO DEFICIT  
REDUCTION

**HON. DONALD A. MANZULLO**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 1, 2010*

Mr. MANZULLO. Madam Speaker, two weeks ago, the Treasury Department released

the details of the Federal budget deficit for Fiscal Year 2010. While many of the numbers were grim, at least one federal agency—the Overseas Private Investment Corporation, OPIC—reported a net income of nearly \$260 million and contributed a net positive balance to the Federal budget deficit of \$352 million in FY 10. In fact, this represents the 33rd consecutive year that OPIC has made a positive contribution to the Federal budget. These numbers were also confirmed by an independent external auditor, KPMG.

OPIC's earnings are generated through fees charged to users of their financing and insurance programs, as well as interest earned on its growing reserves, which now total about \$5 billion. Because OPIC charges market-based fees for its products, it operates on a self-sustaining basis at no net cost to the taxpayers. This is not counting the tax revenue generated by the more than 274,000 U.S. jobs that OPIC projects have supported over the past 39 years. In FY 10, OPIC-supported projects are estimated to generate \$624 million in U.S. exports and to support nearly 1,000 American jobs. Eighty of the 97 projects supported by OPIC in FY 10 involved U.S. small businesses.

Thus, it would be counterproductive to close down OPIC because that action would actually reduce an incoming revenue stream to the Federal government and exasperate our budget deficit problem. In addition, if OPIC were terminated, many current users of OPIC would simply switch to investment insurance and financing programs of foreign governments, which would result in the shifting of U.S. jobs and tax revenue overseas, because there is no private company that provides long-term political risk insurance. That is why I encourage Congress to pass a multi-year reauthorization bill for OPIC, S. 705/H.R. 5975.

PERSONAL EXPLANATION

**HON. JANICE D. SCHAKOWSKY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 1, 2010*

Ms. SCHAKOWSKY. Madam Speaker, on rollcall No. 584, had I been present, I would have voted "yes."

NATIONAL MESOTHELIOMA  
AWARENESS DAY

SPEECH OF

**HON. BETTY MCCOLLUM**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, November 29, 2010*

Ms. MCCOLLUM. Madam Speaker, I introduced House Resolution 771 on September 24, 2009 to recognize the 3,000 Americans diagnosed with Mesothelioma each year and raise awareness about this rare form of cancer. After more than a year of work, a coalition of support came together to mark September 26, 2010 as the first ever "National Mesothelioma Awareness Day." I have to thank 58 of my colleagues—both Democrats and Republicans—who co-sponsored this resolution and all the advocates for their work.

Mesothelioma is an asbestos-linked cancer most often found in a person's chest, lungs, or

abdomen. More than a million Americans are exposed to dangerous levels of asbestos while on the job, including military personnel, firefighters, and construction workers. In fact, workers in our own Capitol complex are suffering from asbestos exposure. Many of these individuals are unaware of the risk at the time of exposure.

Despite decades of warnings about the dangers of asbestos, too many Americans are still unaware of the devastating nature of this disease. Although over 50 countries have banned asbestos, the United States has not. It is found in millions of products sold in this country, including brake pads, roofing materials, and gaskets.

The fight against Mesothelioma is a personal issue for me. In 2000, my friend and predecessor Congressman Bruce Vento was diagnosed with Pleural Mesothelioma. The news was devastating for his family, friends, and all of us in Minnesota that knew him. Bruce represented Minnesota's Fourth Congressional District from 1977–2000. During his service in Congress, he was tireless advocate on behalf of his constituents and a national champion for environmental protection and the rights of the homeless.

Awareness is critical for early diagnosis and treatment. "National Mesothelioma Awareness Day" honors those living with Mesothelioma, those that have died from the disease, and their families. House Resolution 771 is an important step toward educating the nation about the causes of this deadly disease and the need for better treatments and additional research.

I strongly urge all of my colleagues to support passage of this bipartisan resolution.

#### TRIBUTE TO ALEXA LINGREN

### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 1, 2010*

Mr. LATHAM. Madam Speaker, I rise to recognize the achievement of Alexa Lingren, a 4-H member from Pilot Mound, Iowa, who recently received a leadership project award from the Mary Jo and Glen Mente Endowment and the 4-H Foundation. This award is given only to those who demonstrate leadership in 4-H and in their local communities. I would like to express my congratulations to Alexa for receiving this award and my appreciation to her for her leadership.

For the last eight years, Alexa has been an active leader in 4-H. She served on the 4-H council in Boone County, served as club president, and received many state awards in citizenship. She also participated in the safety, swine, sheep, and self-determined 4-H project areas, and she was named the runner-up fair queen at the Boone County Fair.

4-H has enabled Alexa to be an active leader within her community. Alexa co-chaired six community improvement grants that benefited both the local youth shelter and area farmers. She believes that 4-H has given her the talent and the skills to help others, which she finds to be enriching.

I commend Alexa Lingren for her service to 4-H and her community, and I know my colleagues in Congress will join me in congratulating Alexa for her achievement. It is an

honor to represent Alexa in Congress, and I wish her the best of luck in the future.

#### IN HONOR AND REMEMBRANCE OF MR. RAYMOND MATJASIC

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 1, 2010*

Mr. KUCINICH. Madam Speaker, I rise today in honor and remembrance of Mr. Raymond Matjasic, a nationally honored photographer. His passionately accumulated expertise covered events such as the Marine Corps during World War II, Major League Baseball's 1948 and 1954 World Series, and the Presidential Inaugurations of Presidents Nixon and Carter.

Mr. Matjasic was born in Cleveland, Ohio in 1920 and remained a lifelong resident of the area. Ray began his career with the Cleveland Plain Dealer at the age of nine as a paper delivery boy. After graduating from John Hay High School, he began working in the Plain Dealer's circulation department. It was during this time that his interest for photography was peaked. As a Marine, Matjasic photographed his colleagues during World War II in the South Pacific. Upon his return to Cleveland in 1945 he joined the Plain Dealer's photo department. Mr. Matjasic was the Plain Dealer's chief photographer from 1964 until his retirement in 1983. Throughout his illustrious career, Mr. Matjasic won dozens of awards, and was named to the Cleveland Press Club Hall of Fame.

Photography was more than just a job for Mr. Matjasic, it was a passion that he loved to share with others. He traveled and lectured at many colleges and universities including Ohio State University, Bowling Green State University, and Kent State University. He also helped establish and served as vice president of the Cleveland Chapter of the Marine Corps Combat Correspondents Association.

Madam Speaker and colleagues, please join me in honor and remembrance of Mr. Raymond Matjasic. I offer my condolences to his daughter Judith and three grandchildren. Mr. Matjasic will always be remembered for his brave service to our country and as an iconic photographer.

#### MEDIA COVERAGE OF DREAM ACT ONE-SIDED

### HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 1, 2010*

Mr. SMITH of Texas. Madam Speaker, during the lame duck session, Democrats in Congress want to pass the DREAM Act, which uses taxpayer dollars to give illegal immigrants amnesty and in-state tuition at public universities.

The national media are doing their best to help.

For example, out of 13 recent articles regarding the DREAM Act in The Washington Post, The New York Times, and The Los Angeles Times, 11 were overwhelmingly one-sided and sympathetic to illegal immigrants.

That means 85% were biased.

In one such article, the term "conservative" was used to describe opponents of the legislation, but not one of the left-wing amnesty groups or activists mentioned in the article was described as "liberal."

The national media should give Americans all the facts about immigration, not just one side.

#### CONDEMNING NORTH KOREA FOR ATTACK AGAINST SOUTH KOREA

SPEECH OF

### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 30, 2010*

Mr. PAUL. Mr. Speaker, I rise in opposition to this saber-rattling resolution that unnecessarily escalates tensions between North and South Korea and may in fact put U.S. troops stationed in the area at risk. This resolution portrays the recent hostilities between the two Koreas as "an unprovoked military attack" by North Korea, which is untrue. We know that South Korea was conducting live fire military exercises in the vicinity of disputed territory and that this action, taken with U.S. military support and participation, likely led to the exchange of gunfire between the two sides.

As the resolution states, the "USS George Washington Carrier Strike Group is conducting exercises with Republic of Korea naval forces in the waters west of the Korean Peninsula." Let us for a moment imagine the Chinese military holding joint exercises with Venezuela off the Texas coast. Might that be viewed as provocative by the United States? This is not to excuse or endorse the actions of the North Korean military, which are certainly regrettable, but it is important to accurately portray the events.

This resolution is long on inaccuracies and hyperbole but it avoids the real issue, which is why, more than fifty years after the end of the Korean war, the American taxpayer is still forced to pay for the U.S. military to defend a modern and wealthy South Korea. The continued presence of the U.S. military as a "tripwire" to deter North Korea is ineffective and dangerous. It is designed to deter renewed hostilities by placing American lives between the two factions. As we have seen recently, South Korean leaders, emboldened by the U.S. protection, seek to provoke North Korean reaction rather than to work for a way to finally end the conflict. The U.S. presence only serves to prolong the conflict, further drain our empty treasury, and place our military at risk. I encourage my colleagues to reject this jingoistic resolution and instead use our Constitutionally-granted authority to finally end the U.S. military presence in and defense of South Korea.

#### CLAIMS RESOLUTION ACT OF 2010

SPEECH OF

### HON. BETTY MCCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 30, 2010*

Ms. MCCOLLUM. Mr. Speaker, I rise today in support of the Senate Amendments to H.R.

4783, the Claims Resolution Act, and Cobell and Pigford II settlements now included.

In 1996, Indian plaintiffs, including Eloise Cobell, filed a class action suit against the federal government for mismanagement of Indian trust land and other assets. During the 13 years that followed, courts repeatedly ruled in favor of the plaintiffs assertions that the government violated its trust responsibility, did not provide accurate accounting, and did not provide Indians with their share of the revenue from the Individual Indian Money (IIM) accounts. One year ago, on December 8, 2009, the plaintiffs and the U.S. Interior and Justice Departments announced a \$3.4 billion settlement for this long-running suit.

This settlement should have been approved by Congress in a timely manner. Too many deadlines for Congressional action have passed this year, requiring the settlement parties to keep extending the approval deadline. Tribal members whose trust accounts were mismanaged have waited too long for compensation. Already this year, I have voted for funding the settlement twice. Both times the funding passed the House only to have the funds stripped by Republican obstruction in the Senate. Finally, on November 19, the Senate passed the approval for the settlement in the Senate Amendments to H.R. 4783, the Claims Resolution Act, and sent it back to us.

In addition, I applaud the \$1.15 billion settlement of the Pigford II class action lawsuit for finally rectifying an injustice that is an inexcusable stain on our Nation's history. In 1910, African American farmers owned 15 million acres of land. Now, that number has dwindled to two million acres. This settlement represents an important step forward towards ensuring the fair and equal treatment of all farmers, regardless of their race.

These injustices have been perpetrated for decades, and today the House has the opportunity to vote again to uphold our end of the trust relationship with all American Indians and Alaska Natives and settle discrimination claims made by African American farmers.

Though these funds come decades too late for many of the people affected, it is important for the U.S. Government to recognize the many past wrongs inflicted on the indigenous people of this country and black farmers who have been discriminated against. This is a vote that will make a difference in hundreds of thousands of lives, finally beginning to right some wrongs.

For far too long, American Indian trust account holders and African American farmers have had to wait for justice. Today there will be justice, but it will not come without a fight against bigotry, intolerance, and the champions of inequality. The fact that some Republican voices, including a Member from Minnesota, are calling the settlement with African American farmers a fraud and a scam reflects the very racial intolerance and discrimination that are at the root of this settlement.

With this legislation, the Federal Government can honor its commitment in a fiscally responsible manner. The funding is completely offset. The Senate passed it by unanimous consent. If it passes the House today, it will go directly to the President for his signature. I urge my colleagues to vote yes on the Senate Amendments to H.R. 4783 because American Indians and African American farmers have waited long enough.

## IN HONOR OF ALBANIAN INDEPENDENCE DAY

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor of Albanian Independence Day. As the Albanian community in Greater Cleveland gathers to celebrate, I join them in appreciation of their rich history and culture.

Known as Day of the Flag among Albanians, November 28, 1912 marks the day that the Republic of Albania became a sovereign nation after approximately 500 years of occupation by the Ottoman Empire. After this liberation, the country still faced 51 years of occupation under fascist Italy and the Soviet Union, emerging again in 1991. In part because they spent so many years under foreign rule, the Albanian people take deep pleasure in their independence.

This pleasure manifests each year on the Day of the Flag, marked by concerts, banquets, and celebrations. In Tirana, the nation's capitol, the President, Prime Minister, and Mayor appear at a flag raising ceremony and visit the graves of soldiers who fell in battle. Despite the cold, enthusiastic citizens attend the ceremony, waving the national colors.

Cleveland is home to a strong Albanian community, descendants of late nineteenth century immigrants and people seeking freedom and opportunity after World War II. This community has succeeded in preserving their heritage while wholeheartedly supporting American society, thereby contributing to the unique richness and diversity of our national culture.

Madam Speaker and colleagues, please join me in honor and celebration of the Albanian Day of the Flag. May every American of Albanian heritage hold memories of their past forever in their hearts, remembering the day that their forbears gained their freedom.

## HONORING CHARLIE KRUSE

### HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. LUETKEMEYER. Madam Speaker, I rise today to recognize Charlie Kruse, President of the Missouri Farm Bureau, who is retiring after 18 years of service.

Charlie is a proud native of Stoddard County where he and his wife own and operate a grain farm. He is a graduate of Arkansas State University and the University of Missouri, where he earned his master of science in agronomy in 1973.

Recognizing Charlie's exceptional talent and commitment to agriculture, Missouri Governor John Ashcroft appointed him director of the Missouri Department of Agriculture in 1985. In 1990, Kruse served on President George Bush's Council on Rural America, the only Missourian named to the Council. He also served on U.S. Trade Representative Carla Hills' Intergovernmental Advisory Committee and on USDA's Federal Grain Inspection Service Advisory Committee. In 1991, Kruse accepted the position of executive vice presi-

dent of the North American Equipment Dealers Association, and resigned that position in August 1992 to seek the presidency of Missouri Farm Bureau.

In his 18 years as president of the Missouri Farm Bureau, Kruse has helped countless Missouri farmers who have reaped the benefits of his advocacy. The Missouri Farm Bureau is losing a capable and experienced leader whose tireless efforts have served to benefit all of our State's citizens, including me. During his tenure, Missouri Farm Bureau has seen tremendous growth in membership from 77,000 to over 108,000 farm families.

The accomplishments during Charlie Kruse's career are far too numerous to list. We are thankful for his efforts not only at the local and State levels but also the Federal level. From his testimony before Congress to his many advisory positions at USDA and involvement with the most recent farm bill, Charlie's unwavering support for sound and responsible agricultural policy serves as a model to everyone in the industry.

Charlie has so much to be proud of beyond his accomplishments in the policy arena. Missouri cannot thank him enough for his service in the Missouri National Guard and to the University of Missouri. I would like to take this opportunity to express my personal gratitude for all that he has given.

As he returns home to Stoddard County, Charlie can do so with great pride, knowing that in the span of his career he has accomplished so much and helped so many. While he will be missed, I wish him the very best that retirement has to offer.

In closing, Madam Speaker, I ask all my colleagues to join me in congratulating Charlie Kruse for his service to the State of Missouri and to American agriculture.

## TRIBUTE TO JOHN H. WEED

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. STARK. Madam Speaker, I rise today to pay tribute to John H. Weed upon his retirement from the Ohlone College Board of Trustees in Fremont, California. Mr. Weed attended his final board meeting on November 10, 2010. First elected in 1977, he served on the Board of Trustees for 33 years.

Mr. Weed holds a Bachelor of Science in Civil Engineering and Juris Doctor of Law degree from the University of Santa Clara. He received a Master of Business Administration in Finance from Eastern New Mexico University. He was a Graduate Research Associate in Agricultural Economics and a graduate student with the Department of Hydrology and Water Resources at the University of Arizona.

He has been an elected director of the Alameda County Water District since November 1995. Since 1990, Mr. Weed has served as a Director of the Bay Area Water Supply and Conservation Agency and Regional Financial Authority, representing customers of the Hetch Hetchy Water System.

Mr. Weed is a member of Rotary International, and he has been or is currently involved in myriad civic activities, which include



the Alameda County Bicentennial Commission, the city of Fremont Historical Architectural Review Board, State of California Heritage Task Force, Association of Water Agencies, Washington Township Historical Society, the Alameda County Library System, and the City of Fremont's Regulatory Review Commission.

I wish John Weed all the best upon his retirement from the Ohlone College Board of Trustees. Mr. Weed describes the heart of Ohlone College as "the wonderful service it provides the community." I join the community in thanking him for his three decades of service, and appreciating him for a job well done.

#### PERSONAL EXPLANATION

### HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mrs. MYRICK. Madam Speaker, due to illness, I was unable to participate in the following votes. If I had been present, I would have voted as follows:

NOVEMBER 29, 2010

Rollcall vote 581, On Motion to Suspend the Rules and Pass—H.R. 5877, To designate the facility of the United States Postal Service located at 655 Centre Street in Jamaica Plain, Massachusetts, as the "Lance Corporal Alexander Scott Arredondo, United States Marine Corps Post Office Building"—I would have voted "aye."

Rollcall vote 582, On Motion to Suspend the Rules and Agree—H. Res. 771, Supporting the goals and ideals of a National Mesothelioma Awareness Day—I would have voted "aye."

NOVEMBER 30, 2010

Rollcall vote 583, On Agreeing to the Resolution—H. Res. 1736, Providing for consideration of the Senate amendments to the bill (H.R. 4783) to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Chile, and to extend the period from which such contributions for the relief of victims of the earthquake in Haiti may be accelerated—I would have voted "nay."

Rollcall vote 584, On Motion to Concur in the Senate Amendments—H.R. 4783, To accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Chile, and to extend the period from which such contributions for the relief of victims of the earthquake in Haiti may be accelerated—I would have voted "nay."

Rollcall vote 585, On Motion to Suspend the Rules and Agree, as Amended—H. Res. 1585, Honoring and recognizing the exemplary service and sacrifice of the 60th Air Mobility Wing, the 349th Air Mobility Wing, the 15th Expeditionary Mobility Task Force, and the 615th Contingency Response Wing civilians and families serving at Travis Air Force Base, California—I would have voted "aye."

Rollcall vote 586, On Motion to Suspend the Rules and Agree—H. Res. 1740, Recognizing and honoring the National Guard on the occasion of its 374th anniversary—I would have voted "aye."

DECEMBER 1, 2010

Rollcall vote 587, On Ordering the Previous Question—H. Res. 1742, Providing for consid-

eration of S. 3307, the Healthy, Hunger-Free Kids Act—I would have voted "nay."

Rollcall vote 588, On Agreeing to the Resolution—H. Res. 1742, Providing for consideration of S. 3307, the Healthy, Hunger-Free Kids Act—I would have voted "nay."

Rollcall vote 589, On Agreeing to the Resolution—H. Res. 1741, Providing for consideration of H.J. Res. 101, Making further continuing appropriations for fiscal year 2011, and for other purposes—I would have voted "nay."

Rollcall vote 590, On Motion to Suspend the Rules and Agree—H. Con. Res. 323, Supporting the goal of ensuring that all Holocaust survivors in the United States are able to live with dignity, comfort, and security in their remaining years—I would have voted "aye."

Rollcall vote 591, On Motion to Suspend the Rules and Agree—H. Res. 1735, Condemning North Korea in the strongest terms for its unprovoked military attack against South Korea on November 23, 2010—I would have voted "aye."

Rollcall vote 592, On Motion to Suspend the Rules and Agree, as Amended—H. Res. 1430, Honoring and saluting golf legend Juan Antonio "Chi Chi" Rodriguez for his commitment to Latino youth programs of the Congressional Hispanic Caucus Institute—I would have voted "aye."

#### CELEBRATING THE 100TH BIRTHDAY OF SHIRLEY G. ROSENBAUM

### HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. ACKERMAN. Madam Speaker, I rise today to celebrate the 100th birthday of Shirley G. Rosenbaum, the pride of New York State.

Born on December 7th, 1910, in Oswego, New York, Shirley grew up with a deep love and appreciation for her community and country. She married Jack Rosenbaum in 1927, and they had two children, Elise and Richard. Richard, under Shirley's steady guidance, became a Justice of the New York State Supreme Court and Chairman of the New York State Republican Committee.

Shirley is a parent who never ceases to encourage her children to achieve their dreams. She always stressed to Elise and Richard the value of education in achieving those dreams.

In Shirley's 100 years, she has lived through some of the most difficult and joyous times in American history. No matter the challenge, Shirley has maintained a warm home, loving family, and an appreciation for the small pleasures in life. An avid bowler, Shirley is no stranger to 200+ games. She is quite the bridge player and loves to create word games. Her family is her greatest pride though, Elise and Richard, six grandchildren, 18 great grandchildren, and even one great great grandchild.

For her devotion to her family and her country, I ask my colleagues in the United States House of Representatives to please rise and join me in honoring Shirley G. Rosenbaum on the occasion of her 100th birthday.

#### IN HONOR OF THE CUYAHOGA COUNTY FORECLOSURE MEDIATION PROGRAM

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of the Cuyahoga County Common Pleas Court Foreclosure Mediation Program.

The Foreclosure Mediation Program was introduced in 2008 by Judge Eileen T. Gallagher. As the chair of the Court's Foreclosure Committee and Foreclosure Mediation Subcommittee, as well as a former magistrate in the Court's Foreclosure Department, she was in a unique position to see the difficulties homeowners face and to develop a solution.

Through the program, many middle- and lower-class families have been able to stay in their homes through the remediation procedures the program offers. The results have been impressive; in 2009 alone, of the 821 foreclosure cases sent to remediation, 451 of them were successful.

The Foreclosure Mediation Program has been so successful that it has been nationally recognized. It was recently honored when its program director, Andrea Kinast and Common Pleas Court Committee Chair, Judge Eileen T. Gallagher received an invitation to the "Closing the Justice Gap for America's Working Families" event at the White House, on November 19, 2010. This event presents a great opportunity to highlight the program's success and draw attention to its potential use as a model for the rest of the nation.

Madam Speaker and Colleagues, please join me in honoring the Cuyahoga County Foreclosure Mediation Program. The hardworking and dedicated staff has been able to keep many people in their homes, preserving our community and helping to save the financial integrity and personal dignity of those who have run into difficulties. I applaud and encourage their efforts to assist those in need.

#### HONORING LAUREN PERRY FOR HER SERVICE TO TENNESSEE'S SIXTH CONGRESSIONAL DISTRICT

### HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. GORDON of Tennessee. Madam Speaker, today I rise to recognize Lauren Perry for her contributions to Tennessee's Sixth Congressional District. Lauren has served as my executive assistant and scheduler in Washington, DC, and served as field representative in my Murfreesboro, Tennessee, office prior to moving to our Nation's capital. She will soon join the staff of my colleague Congressman JOHN BARROW of Georgia, and I am confident she will be a great addition there.

A fellow graduate of Middle Tennessee State University, Lauren first came to my office through her hard work on my 2008 campaign. Although Lauren grew up nearby in Lawrenceburg, she quickly came to call

Murfreesboro home. When she joined my staff as a field representative in 2009, she helped my constituents obtain their Social Security and Medicare benefits and helped students with concerns related to federal student loans. Lauren was enthusiastic, capable and quick to help all constituents who came through our door. Her kindhearted, compassionate nature endeared her to many people who were going through rough times and just needed some help cutting through government redtape.

In June, Lauren left the big city of Murfreesboro and headed to a really big city, Washington, DC, to experience work on Capitol Hill. When the scheduler position became available, Lauren stepped in and rose to the challenge. In a short time she mastered the complexities of the job and put her organizational skills to good use on major logistical projects, such as archiving my congressional papers for our alma mater.

Lauren's professionalism and positive attitude have made her a great addition to the office. She generously shared her home-baked treats with the office and became an integral part of the team. Her tiny dog, Nona, even graced us with occasional visits to the office in her leopard-print Snuggie, further brightening the mood.

Madam Speaker, I and the rest of the staff will miss Lauren, but we are thrilled about this newest chapter in her career. I've had the pleasure of meeting her family, and I know she makes them proud. Lauren, I and your colleagues here in DC and in Tennessee wish you all the best in the future.

#### HONORING ELIZABETH ZUBITIS

##### HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 1, 2010*

Mr. SMITH of Washington. Madam Speaker, I rise today to honor Elizabeth Zubitis, who will retire on January 5, 2011 after 47 years of active membership and leadership in the Washington State Democratic Party. I ask that my colleagues join me in honoring Ms. Zubitis for her commitment to public service, civic engagement, her extensive accomplishments within her community, and her undertakings as a local leader of the Democratic Party.

Born in Alberta, Canada, Elizabeth Zubitis and her family moved to Moscow, Idaho where she became a naturalized citizen of the United States. Soon after, she became an active member of the Democratic Party. She began her career in the party as a Democratic Precinct Committee Officer in 1964. Over the course of her career, Ms. Zubitis has been the treasurer of the Pierce County Democratic League in the Washington State Federation of Democratic Women, the chair of Washington State's 2nd Legislative District Democrats, the chair of the State's 29th Legislative District Democrats, and served a four-year term as the chair of the Pierce County Democrats.

Additionally, Ms. Zubitis has been an active member of the Coalition of Labor Union Women and the Lady Garment Workers Union, which was later incorporated into the United Food and Commercial Workers Union. She became and served for many years as a full-time union representative for the United Food and Commercial Workers Union, and retired from this post in 1999.

Having been recognized by several organizations as a noteworthy person, Ms. Zubitis has proven to be an inspiring role model for girls and women in the community. Among her many accolades, she has received the Warren G. Magnuson Award for State Committee Woman of the Year in 2001 and the Glass Ceiling Award. Ms. Zubitis's retirement will mark the end of her two-year term as Chair of Washington State's 30th Legislative District Democrats. Her long list of accomplishments is made more impressive by her success as a mother of five children and a loving grandmother.

Madam Speaker, I ask that my colleagues join me in congratulating Elizabeth Zubitis on her many remarkable achievements, her venerable service to her community, and her retirement after 47 years of committed involvement with the Washington State Democrats.

#### HONORING THE SERVICE OF THOMAS L. BALDINI

##### HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 1, 2010*

Mr. STUPAK. Madam Speaker, I rise to honor the service of my good friend and District Director Thomas L. Baldini of Marquette, Michigan. Tom has been a member of my staff since 2003, but has been a devoted member of the Marquette community for over 40 years and has been a committed public servant to the people of Michigan throughout his long career.

Tom graduated from Northern Michigan University (NMU) in Marquette in 1965 with a Bachelor of Science degree in Secondary Education (Political Science/Economics and History). Following his time at NMU, Tom began his distinguished career as a high school economics and political science teacher with Marquette Area Public Schools, a position he held for 18 years. Throughout his teaching career, Tom also served as a part-time instructor at NMU.

In 1983, Tom began serving as the Special Assistant to Michigan Governor James Blanchard for Upper Peninsula Affairs and Education Advisor, and was referred to as the "Governor of the Upper Peninsula." Tom continued to serve the citizens of Michigan with Governor Blanchard until 1991, when he went back to work for Marquette Area Public Schools as Assistant to the Superintendent for Personnel and Finance.

Three years later, Tom had the distinct honor of being appointed by President Clinton—and later confirmed by the U.S. Senate—to become the Chairman of the U.S. Section of the International Joint Commission (IJC) for Canada and the United States. Tom was later tapped by President Clinton once again to become the U.S. Commissioner to the International Boundary Commission (IBC) for the United States and Canada. Tom was the first American to hold these two diplomatic positions for the United States concurrently.

Looking for a change in his professional life, Tom became my District Director in 2003 and has been with me ever since. When I am in Washington, Tom is my eyes and ears in northern Michigan and serves as my chief representative throughout our expansive District.

Tom possesses a firm passion for public service and a steadfast commitment to the people of Michigan, and always stands ready to assist in any way he can. He managed my 10-person district staff in seven different offices and assists constituents, local communities, local governments and businesses throughout the district.

Madam Speaker, Thomas L. Baldini is a dear friend to both me, and the citizens of northern Michigan. His remarkable career of public service is truly inspiring and I know that after my time in Congress has ended, Tom will continue to play an integral role in his community for years to come. I ask my colleagues in the U.S. House of Representatives to join me in recognizing Thomas L. Baldini's four decades of service to the State of Michigan.

#### HONORING ROSHARA "ROSIE" J. HOLUB

##### HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 1, 2010*

Mr. AKIN. Madam Speaker, I rise today to honor Roshara "Rosie" J. Holub, president and chief executive officer of the Missouri Credit Union Association, the service and support association for Missouri's 153 credit unions and their more than 1.3 million members. After decades of service to credit unions and their members, Rosie will be retiring on December 17th of this year.

Rosie has an extensive and impressive resume of professional accomplishments. She served as Chairman of the American Association of Credit Union Leagues (AACUL), as Chair of Credit Union House, LLC (Washington, DC), and as a Board member of the Filene Institute. Rosie also served on the Credit Union National Association (CUNA) Partnership Committee and the National Action and Response Program (NARP) Coordinating Council.

Once named as one of the 25 most influential businesswomen in St. Louis, Rosie has positively impacted Missouri's financial services community through her leadership and educational efforts. Among her contributions to Missouri, she served on the Board of Trustees for the Missouri Council on Economic Education (MCEE) and the Board of Advisors for the University of Missouri's College of Health and Environmental Sciences: Personal Financial Planning Department.

I've had the honor of knowing Rosie Holub for many years. She has represented the Missouri Credit Union Association, its employees and member credit unions with a warm personality and professionalism. My staff and I will miss her, but wish her God's blessing in retirement.

#### IN RECOGNITION OF MR. ANTHONY P. PLACIDO ON THE OCCASION OF HIS RETIREMENT

##### HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 1, 2010*

Mr. REYES. Madam Speaker, today I pay tribute to Mr. Anthony P. Placido on his retirement from public service at the end of this

month after more than 30 distinguished years in law enforcement.

Mr. Placido began his law enforcement career with the U.S. Customs Service, but he later joined the U.S. Drug Enforcement Administration and quickly rose through the ranks, using his foreign affairs experience and leadership skills to manage counter-narcotics efforts both in domestic and foreign posts. In his time with DEA, he acted, among other things, as a Team Leader for the Tactical Intelligence Unit in Peru, a Senior Inspector with the Office of Professional Responsibility, and a Country Attaché for Bolivia.

In his two years as the Regional Director for the Mexico-Central America Division, supervising and coordinating DEA operations across eight countries, Mr. Placido was credited with dismantling and disrupting several major drug trafficking cartels. His success earned him an appointment to serve as the Special Agent in Charge of DEA's New York Field Office, where he established the first Organized Crime Drug Enforcement Strike Force in the nation.

Mr. Placido's focus on multi-agency joint missions made him the right person to serve as the founding Director of the Organized Crime Drug Enforcement Fusion Center, where he continued to emphasize the necessity of interagency cooperation and information sharing in the fight against transnational criminal organizations.

As Chairman of the House Permanent Select Committee on Intelligence, I have had the opportunity most recently to work closely with Mr. Placido in his current role as Chief of Intelligence for the DEA. During this time, I have come to appreciate his professionalism, expertise, and candor, as well as his work to cultivate extensive relationships and collaborative partnerships with other elements of the intelligence and law enforcement communities.

In particular, Mr. Placido has dedicated himself to promoting the El Paso Information Center (EPIC) as a frontline resource for law enforcement organizations. He has been an enthusiastic advocate for bringing the wide ranging expertise of federal, state, local, and tribal law enforcement officers to bear in a variety of crucial national missions, from counter-narcotics operations to counterterrorism investigations. Under his leadership, EPIC has become a world class clearinghouse for tracking, investigating, and disrupting international drug operations.

Over the course of his career, Mr. Placido has seen the DEA's mission evolve and expand. It is truly a testament to his integrity and dedication that he has met the challenges of an increasingly complex set of national security threats, without losing sight of the needs of the officers patrolling our streets.

The Nation is better and safer as a result of Mr. Placido's service. For that, I pay tribute to him.

HONORING LLOYD A. SEMPLE AS  
CHAIR OF THE MICHIGAN CHAPTER  
OF THE NATURE CONSERVANCY

**HON. JOHN D. DINGELL**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 1, 2010*

Mr. DINGELL. Madam Speaker, I rise today in appreciation of Lloyd A. Semple. On De-

cember 2nd he will step down after a successful tenure as Chair of the Michigan Chapter of The Nature Conservancy. Lloyd has provided extraordinary leadership in shepherding The Nature Conservancy into its next decade of conservation. As Chair, he held the gavel as the Great Lakes Project was launched on Mackinac Island in 2008, and was at the helm when The Nature Conservancy completed the largest conservation project in Michigan's history.

Lloyd joined the Michigan Board of The Nature Conservancy in 2003 and has remained an active member of the Board through his tenure as Chair, which started in 2008. His philanthropic nature is further exemplified by his positions as Vice Chairman of the National Audubon Society's Board of Directors and member of the Executive Committee of the Detroit Zoological Society's Board of Directors. These commitments require time and energy, which Lloyd has selflessly volunteered year after year.

It is my belief that we do not inherit the Earth from previous generations, but we borrow it from future ones. By continuing to expand our scientific knowledge and by conserving pristine wildlife habitat, we are fulfilling our role as stewards of the environment. Lloyd Semple successfully championed this vision as Chair.

#### PERSONAL EXPLANATION

**HON. PAUL TONKO**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 1, 2010*

Mr. TONKO. Madam Speaker, on rollcall Nos. 581 and 582, had I been present, I would have voted "aye."

RECOGNIZING THE SERVICE AND  
CONTRIBUTIONS OF DR. MILO  
SHULT TO ARKANSAS AGRICULTURE

**HON. JOHN BOOZMAN**

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 1, 2010*

Mr. BOOZMAN. Madam Speaker, I rise before you today to recognize the service of one Arkansas Agriculture's greatest advocates—Dr. Milo Shult, who is retiring this year.

Since 1992, Dr. Shult has served Arkansas's agricultural community as the vice president for agriculture of the University of Arkansas System and I express my sincere gratitude to him and his family for their steadfast service to 'The Natural State.'

Agriculture is a critical part of our State's economy, accounting for more than \$16 billion in added value, 12 percent of GDP, and supporting more than 250,000 jobs. Dr. Shult's administration of the Agricultural Experimentation Station and Cooperative Extension Service have strengthened Arkansas's agribusiness and his legacy will ensure that our State will continue to be a national leader in agriculture research and the production of food and fiber. It has been an honor and a privilege to get to know and work with Dr. Shult during my service in Congress. He has

always been a strong voice for Arkansas agriculture in communicating their needs to the Arkansas Congressional Delegation and his leadership has helped us remain focused on making our State a leader in food safety, resource management, sustainability, and other critical research.

Dr. Shult has also been a regional and national leader for agriculture advocacy and his service includes, but is not limited to: National Association of State Universities and Land Grant Colleges Chair of the Board on Agriculture, president of the Southern Association of Agricultural Scientists, service on the National Agricultural Library Board of Directors, 4-H Natural Resources Program Steering Committee, United States Department of Agriculture, USDA, Natural Resource National Initiative Task Force. He has also chaired the USDA Research, Education, and Economics Information System, REEIS, Steering Committee since 1997.

While the University of Arkansas System may be losing one of its most valued vice presidents, I know that the agriculture community, particularly Arkansas's, will continue to have a strong voice and a friend in Dr. Milo Shult. On behalf of myself and Arkansas's Third Congressional District I say "Thank You" for your selfless dedication and commitment to 'The Natural State' and the advancement of agriculture everywhere.

CONGRATULATING MURRAY  
KALISH

**HON. THEODORE E. DEUTCH**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 1, 2010*

Mr. DEUTCH. Madam Speaker, I am both honored and privileged to rise to congratulate a true pillar of the Palm Beach County community, Murray Kalish. Mr. Kalish will be honored on December 12, 2010 at Temple Emeth for his activism and leadership in South Florida.

Murray Kalish has repeatedly distinguished himself through his volunteer and civic activities throughout Palm Beach County. In 1992, Murray, who had previously served as vice president of the West Delray Democratic Club, formed the United South County Democratic Club. As president, Murray oversaw the largest Democratic club in the State of Florida. His insight has been sought by elected officials and candidates for decades.

Always looking for ways to contribute to his community, Murray has served on the Land Use Advisory Board, the Palm Beach County Board of Adjustment, and the Palm Beach County Solid Waste Authority Advisory Board. Murray also currently serves as a board member for the Lake Worth Drainage District. First elected over a decade ago, he has dedicated his time on the board towards maintaining clean and clear canals for the people of his district.

Beyond his volunteering and activism, Murray is the symbol of a true family man. For 72 years he was a loving husband to his late wife Rosalyn, and he continues to be a dedicated father, grandfather, and great-grandfather. A true leader in every sense of the word, Murray has served not only as a friend to me, but as a mentor. I could not think of a more deserving person for Temple Emeth to bestow this

important honor. I again want to congratulate my dear friend, Murray Kalish, and his entire family on this well deserved honor.

**HONORING THE LIFE OF MR. DAVE NIEHAUS**

**HON. ADAM SMITH**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 1, 2010*

Mr. SMITH of Washington. Madam Speaker, I rise today to honor Seattle Mariners' broadcaster Dave Niehaus for his devotion to baseball and the Pacific Northwest region. Dave passed away on November 10, 2010 at the age of 75.

Baseball fans from Washington State to Washington, DC are mourning the loss of the voice of the Mariners. Mr. Niehaus connected fans to the program from the Mariners' inaugural pitch in 1977 to the conclusion of the 2010 season. His voice represented the franchise, and kept the Pacific Northwest following the team through the good days of Mariners baseball as well as the less memorable.

Arguably, the seminal moment in Dave Niehaus' announcing career came on the winning hit by Edgar Martinez in the decisive fifth game of 1995 American League Division Series, also known as "the double." The double scored both Joey Cora and Ken Griffey, Jr. to give the Mariners a 6-5 victory over the New York Yankees, and propelled them to the American League Championship Series for the first time in franchise history. In that moment, Mr. Niehaus announced:

"Right now, the Mariners looking for the tie. They would take a fly ball, they would love a base hit into the gap and they could win it with Junior's speed. The stretch . . . and the 0-1 pitch on the way to Edgar Martinez swung on and lined down the left field line for a base hit! Here comes Joey, here is Junior to third base, they're going to wave him in! The throw to the plate will be . . . late! The Mariners are going to play for the American League Championship! I don't believe it! It just continues! My, oh my!"

Dave Niehaus' interest in broadcasting began at the University of Indiana, where he graduated in 1957. He then entered the military and started his broadcasting career with the Armed Forces Network in Los Angeles and New York City. After serving in the military, he settled in Los Angeles and became a broadcaster for the California Angels and the University of California, Los Angeles football and basketball teams. It was in 1977, when the Mariners started their first Major League Baseball season, that Dave Niehaus became the Mariners' play-by-play announcer. Mr. Niehaus called his 5,000th Mariners broadcast on May 7 of this year.

Of the many honors that Dave Niehaus was awarded during his career, three best characterize his untiring enthusiasm and genuine love for Mariners baseball. Mr. Niehaus received national acclaim when the National Baseball Hall of Fame awarded him the Ford C. Frick Award in 2008. Mr. Niehaus believed the One World Award from the Washington Council of the Blind he received in 2004 was the most meaningful, as he was able to draw more baseball lovers into the drama of the game. He also was named one of the Seattle

Times' Top 10 Most Influential People of the Century. In 1999, Mariners fans, as a testament of their affection, chose Mr. Niehaus to throw out the ceremonial first pitch for the inaugural game at Safeco Field, an honor that brought him to tears.

Mr. Niehaus will be remembered by his wife Marilyn, his children Andy, Matt and Greta, his six grandchildren Zach, Steven, Madeline, Alexa, Audrey and Spencer, and the greater Mariners community.

**HONORING THE 50TH WEDDING ANNIVERSARY OF RONALD AND PATRICIA ANDREWS**

**HON. JOHN D. DINGELL**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 1, 2010*

Mr. DINGELL. Madam Speaker, I rise today to honor the 50th Wedding Anniversary of Ronald and Patricia Andrews. On November 26, 2010, Ron and Pat will celebrate a half century of their union.

The Andrews were married in St. Mary Magdalen Church in Melvindale, Michigan. Pat grew up in Melvindale and graduated from Central Michigan University. Ron grew up in Bay City, Michigan and graduated from the University of Michigan. They have three wonderful children: Sandy, Chris and Jennifer and they are the proud grandparents of three granddaughters: Alexandra, Alison and Alyssa.

My wife Deborah and I have known Pat and Ron for decades. Ron is a retired teacher and coach from Trenton High School. He is the treasurer of the Trenton American Legion and is an inductee of the Michigan High School Coaches Hall of Fame. Pat has been a member on the Board of Directors in numerous organizations ranging from the Salvation Army to the Detroit Area Girl Scouts. Along with my wife, she is a founding member of the Women Celebrating Life Downriver. Patricia was the former Focus editor of the News Herald Newspapers until she came to work for me as an immigration caseworker. She is a dedicated public servant, a fiercely loyal friend, and an ever-passionate advocate for my constituents.

It is an honor to know such decent, hard working and civic-minded people. Our community is, without question, better as a result of their years of service, and I am grateful to count them as my dear friends.

Madam Speaker, I ask that my colleagues please join me in honoring the 50th anniversary of the marriage of these two tremendous individuals.

**REMEMBERING JAZZ MUSICIAN AND EDUCATOR HAROLD LEON BREEDEN**

**HON. MICHAEL C. BURGESS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 1, 2010*

Mr. BURGESS. Madam Speaker, today I rise to honor the memory of Leon Breeden, who passed away in August. Leon was the former University of North Texas (UNT) College of Music Jazz Studies Director and one of our Nation's great music educators.

Harold Leon Breeden was born on October 3, 1921, in Guthrie, Oklahoma, and raised in Wichita Falls, Texas, where his parents owned a service station. He earned his Bachelor's and Master's of Music degrees from Texas Christian University. He served his Nation in World War II, where he played in the United States Army's 69th Infantry Division Band. After his discharge he worked as band director at Texas Christian and later at Texas High School, before joining the UNT faculty.

Leon served as the director of the UNT Jazz Studies program and the renowned One O'Clock Band from 1959 to 1981. Under his guidance, he led the One O'clock Lab Band in performances worldwide. In 1967, the band performed at the White House, sharing the stage with Duke Ellington and Stan Getz. Leon began the band's long-held tradition of recording an album every year. Under his direction, the band earned multiple Grammy nominations, making it the first university band in the Nation to earn the prized nomination.

The One O'Clock Lab Band received almost 50 national awards for group and individual performance with Leon at the helm. He led the band as it performed at the prestigious Montreux International Jazz Festival in Switzerland, as well as tours in Germany, Mexico, Portugal and the Soviet Union. Leon is responsible for moving the rehearsal time of the premier jazz band from 2 p.m. to 1 p.m., which presented the One O'Clock Lab Band with its iconic name.

It is apparent that Leon was a great musician, but more importantly, he used that musicianship to also be a great educator. Jazz was not commonly welcomed in the area of academia until men like Leon Breeden came along. Not only did Leon help bring respectability to jazz studies, he was an outstanding teacher. He was well known for combining strict teaching of fundamentals of the genre with encouragement for his charges to produce original compositions and arrangements.

Leon's legacy at UNT is one of dedication to fostering his aspiring musicians' creativity. His students often found their own creative work as soloists, composers and arrangers highlighted for the band's performances and recordings. Leon was known for his devotion to the highest standards of professionalism. During his tenure he worked to expand the jazz studies faculty and improve facilities, and while he was very organized in his duties, he was always accessible to his students.

Leon's dedication to his students' education was recounted in a national newspaper. After a performance in the 1970's, when the One O'Clock Lab Band accompanied Ella Fitzgerald, Ms. Fitzgerald asked if she could take the band on the road with her. He respectfully declined. He could not permit his students to miss so much class time.

A respected clarinetist, saxophonist, arranger and composer, Leon wrote arrangements performed by such groups as the Boston Pops and the Cleveland and Cincinnati orchestras. He was honored as Outstanding Professor in 1976 at UNT. Recognizing his contributions, the Texas Legislature proclaimed May 3, 1981 as "Leon Breeden Day."

In 1985, he was inducted into the Hall of Fame for the National Association of Jazz Educators, and in 2003, the North Texas Jazz Festival unveiled the Leon Breeden Award for best middle school or high school big band.

The academic status jazz enjoys today finds much of its foundation in the work of Leon and his fellow music educators, who fought to bring jazz into the university music curriculum.

Leon was a dedicated family man, educator and public servant. He is survived by his daughter and three grandchildren.

Madam Speaker, it is my privilege to join his family and fellow musicians, educators and students in honoring the life of Leon Breeden. His mission to pass on the art of jazz to future generations is an example that will continue to benefit the arts and education for years to come. I am honored to have represented him in the U.S. House of Representatives.

#### REGARDING WORLD DAY OF REMEMBRANCE FOR ROAD TRAFFIC VICTIMS

### HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 1, 2010*

Mr. VAN HOLLEN. Madam Speaker, I rise in recognition of the UN Day of Remembrance for Road Traffic Victims.

World Remembrance Day was established to honor the memory of those who have been injured or killed in traffic accidents around the world. The day was set aside as a sign of the world's commitment to preventing road traffic deaths, to educating drivers and pedestrians about the hazards of road travel and to improving the safety of our roads.

Road crashes are the leading cause of death globally for people between the ages of 5 and 29 years old. According to the 2009 Global Status Report on Road Safety, nearly 1,300,000 people globally die in road crashes each year. Unless action is taken, it is predicted that road traffic injuries could double by 2030, killing an estimated 2,400,000 people per year.

As an original sponsor of H. Res. 1696, a resolution supporting the goals and ideals of the UN's "Decade of Action for Road Safety", I encourage my colleagues to join me in support of the ideals of road safety and in honoring the memory of those who have been injured or killed in traffic crashes around the world.

#### PERSONAL EXPLANATION

### HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 1, 2010*

Mr. PUTNAM. Madam Speaker, on Thursday, November 18, 2010, Monday, November 29, 2010, and Tuesday, November 30, 2010, I was not present for seven recorded votes. Had I been present, I would have voted the following way: Roll No. 580—"yea"; Roll No. 581—"yea"; Roll No. 582—"yea"; Roll No. 583—"nay"; Roll No. 584—"nay"; Roll No. 585—"yea"; and Roll No. 586—"yea".

#### IN HONOR OF THE LEWISVILLE FEED MILL

### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 1, 2010*

Mr. BURGESS. Madam Speaker, I rise today in honor of the Lewisville Feed Mill in Lewisville, Texas. After a 124 year history as a cornerstone of the economic community, the mill will close its doors at the end of October.

The Lewisville Feed Mill has operated continuously since opening for business in 1886 and has remained a family related business ever since. Along with other agriculture related businesses such as a grist mill and a cotton gin, the mill helped spur the economic growth of early Lewisville.

As Lewisville's landscape shifted from an agricultural center to a suburban business area, the Lewisville Feed Mill adapted. The business was sustained by carrying lawn care products and pet supplies, along with small scale farming gear.

The mill's current owner is James Polser, who has managed to hang onto part of Lewisville's small-town atmosphere and recreate it for others to see. The building is filled with memorabilia from past generations, much of it on public display. Mr. Polser is known for welcoming visitors with old-town friendliness.

The Lewisville Feed Mill has long served as a gathering spot. The seats overlooking Main Street have been occupied by local residents, businessmen and civic leaders who stopped by for coffee and fellowship. It has evolved to a multi-generational destination, as visitors who first came to the mill in their youth, now bring their children and grandchildren.

During these times of constant rush and change, James Polser is to be commended for keeping us connected to a traditional way of life. I am grateful to have had the Lewisville Feed Mill in the 26th District of Texas.

#### CALLING FOR DIGNITY, COMFORT, AND SUPPORT FOR HOLOCAUST SURVIVORS

SPEECH OF

### HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 30, 2010*

Ms. RICHARDSON. Mr. Speaker, I rise today in support of H. Con. Res. 323, which supports efforts in ensuring that all Holocaust survivors in the United States are able to live in comfort and dignity. I am proud to co-sponsor H. Con. Res. 323 and I thank my colleague, Congresswoman DEBBIE WASSERMAN SCHULTZ for introducing this resolution.

The Nazis systematically exterminated over six million Jewish people and killed between 11 and 17 million people overall. They established concentration camps, including the infamous Auschwitz-Birkenau, Treblinka, Belzec, and Sobibor where they worked people to death and systematically exterminated them.

There are approximately 127,000 Holocaust survivors currently living in the United States. These survivors live everyday with the scars from this tragedy. They were forced to live in concentration, labor, or death camps where

they were tortured by Nazi soldiers. Those individuals "lucky enough" to escape the labor camps, were forced to flee their countries leaving their families, homes, and possessions behind.

All of the Holocaust survivors are at least 65 years old with the majority being over 75. These individuals are five times more likely to be living in poverty than other Americans their age. More than two-thirds live alone.

Non-profit organizations provide many essential services to Holocaust survivors. These organizations often are underappreciated for all of the great work that they do. I am pleased that this resolution also recognizes the efforts of these organizations.

Mr. Speaker, I urge my colleagues to join me in supporting H. Con. Res. 323. We must work to ensure that all Holocaust survivors are able to live out their remaining years in comfort and dignity.

#### RECOGNIZING THE MARCUS HIGH SCHOOL BAND

### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 1, 2010*

Mr. BURGESS. Madam Speaker, I rise today to recognize the Marcus High School Band from Flower Mound, Texas and their recent outstanding achievement in winning the 2010 Class 5A UIL State Marching Championship. The 300+ band members represent the communities of Highland Village, Double Oak, Copper Canyon and Flower Mound. They are very capably led by Director of Bands, Amanda Drinkwater and Associate Directors David Simon, Dominic Talanca and Kennan Wylie, and Color Guard Director John Leonard.

These accomplished young people deserve praise for their hard work and dedication. Student leaders of the Marcus Band are Drum Majors Connor Brem, Josh Dover, Kaitlyn Harry and Kevin Jones, and Color Guard Captain Kelsey Branson. They have an exceptional support system in the family and community members who comprise the Marcus Band Boosters.

The Marcus Band has the enviable reputation as one of the preeminent marching bands in the United States. Over the past thirty years, the band has earned hundreds of awards and honors. The Marcus Band's devotion to excellence resulted in the unparalleled achievement of winning this prestigious state title for the third straight time.

Madam Speaker, it is truly an honor to have the opportunity to commend the Marcus High School Band. I am proud to represent the exemplary administrators, teachers, staff and students that comprise the Lewisville Independent School District in the U.S. House of Representatives.

#### HONORING MIKE KERNS

### HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 1, 2010*

Ms. WOOLSEY. Madam Speaker, I rise today to honor a fellow resident of the city of

Petaluma, Mike Kerns, who retires in December after serving 12 years on the Sonoma County Board of Supervisors.

Mike and I go back many years. When I was serving on the Petaluma City Council, Mike was the big, friendly cop who was involved in the city's tobacco and drug education programs. He served in many positions on the Petaluma Police Force beyond the usual enforcement programs. Mike was a Crisis Team Supervisor, a Peer Counseling Supervisor and a Youth Diversion Counselor and the department's liaison to the Stop Tobacco Access to Minors Program, which significantly reduced illegal tobacco sales to children and teens. He is best known, however, for his role as Press Information Officer in the Polly Klass kidnapping. He became a familiar face on television and his calm demeanor and his compassion for the victim and her family provided a sense of stability as the public witnessed the unfolding of a senseless tragedy.

Mike Kerns was born and raised in Napa, California. He was an athletic young man and in 1967 won a Golden Gloves championship. He began his public service career as a counselor for the Jobs Corps in Pleasanton. In 1973 he put on his first blue uniform as a police officer for the city of Tiburon in Marin County. In 1978 he transferred to the Petaluma Police Department, and was promoted to Sergeant in 1980. Sergeant Kerns married Carol Madsen the next year and they raised two children, Katie and Matt.

In 1998 following the retirement of popular, veteran Supervisor Jim Harberson, Mike was elected to represent the 2nd District for the Sonoma County Board of Supervisors. His "southern Sonoma" district includes the cities of Petaluma and Cotati and a portion of Rohnert Park, along with the unincorporated agricultural communities of Penngrove, Two Rock, Bloomfield and Valley Ford. Mike's humor, directness and listening skills have served him well in dealing with his diverse constituency.

Mike also represents a portion of Sonoma County's bay lands, an area public agencies, non-profits and citizen's groups have joined together to restore watersheds and wetlands. Mike counts among his biggest achievements in office the county's purchase of the 1769-acre Cardoza Ranch in 2005. Now known as the Tolay Lake Regional Park, it includes hills and grasslands, a seasonal lake, creeks, ponds and wetlands, and is a major wintering stopover for migrating waterfowl. The park is currently under development with plans calling for new hiking and biking trails, a natural and historic education center and restoration of Tolay Lake.

Supervisor Kerns should also be congratulated for his major role in the Supervisors' decision to place on the ballot two successful transportation measures which provided the financial foundation for the long-awaited widening of Highway 101 and the future construction of the SMART rail system. These transportation improvements will help ensure that Sonoma County continues to have corridor-centered growth while lowering its carbon emissions and more quickly move goods and people.

Madam Speaker, I thank Mike Kerns for his years of service as both a law enforcement officer and a lawmaker, and wish him a well-deserved happy, and healthy retirement.

CONGRATULATING DR. JERRY ROY  
UPON HIS RETIREMENT AS  
LEWISVILLE INDEPENDENT  
SCHOOL DISTRICT SUPER-  
INTENDENT

### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. BURGESS. Madam Speaker, I proudly rise today to congratulate Dr. Jerry Roy upon his retirement from the position of Superintendent of the Lewisville Independent School District (LISD) and to recognize his many contributions to LISD and its communities.

As Superintendent of Schools, Roy has expertly guided the rapidly growing district since 2001. LISD currently serves all or part of the communities of Lewisville, Flower Mound, Carrollton, The Colony, Highland Village, Copper Canyon, Hebron, Double Oak, Frisco, Plano, Grapevine, Coppell and Argyle, and includes seven high schools, fifteen middle schools and forty-one elementary schools. Under Dr. Roy's capable leadership, the district has grown from 51 campuses to 66 and student enrollment has expanded from 39,000 to well over 50,000. The district has earned a "Recognized" rating from the Texas Education Agency for the second consecutive year.

During his distinguished tenure at LISD, Roy has been nominated three times for Texas Superintendent of the Year and was named the Region XI 2006 Superintendent of the Year. In addition, he has served on the Texas Commissioner of Education's TASA Cabinet of Superintendents, University Interscholastic League Legislative Counsel and many other professional organizations. Currently, he serves on the Texas Association of School Administrators' Executive Committee as well as the Board of Directors for the Lewisville Chamber of Commerce.

Madam Speaker, it is with great honor that I rise today to congratulate and recognize the accomplishments of Dr. Jerry Roy, Superintendent of Schools of the Lewisville Independent School District. I am joined by the citizens, colleagues, teachers, parents and students of LISD in wishing him well upon his retirement. It is a privilege to represent such a dedicated community leader and public servant who has had such a positive influence on the lives and futures of thousands of students in the United States House of Representatives.

### OUR UNCONSCIONABLE NATIONAL DEBT

### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is \$13,860,773,759,018.43.

On January 6th, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$3,222,348,012,724.60 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

WORLD AIDS DAY

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. TOWNS. Madam Speaker, I rise today to recognize December 1, 2010, as "World AIDS Day". This day was designated as such in 1988 by the World Health Organization and from then on, we have continued to uphold the tradition.

As we embark upon the thirtieth year of the HIV/AIDS virus, we should reflect on so many Americans and others around the world that have died from this devastating disease. My district of Brooklyn, New York is considered the epicenter of the HIV/AIDS epidemic in the United States for African Americans, women, adolescents, and children. With this alarming revelation, 87 percent, of which 7 percent are under the age of 13, are persons of color living with the HIV/AIDS virus. Brooklyn has been heavily affected by this deadly disease for over the past three decades and we have the city's highest prevalence rates. It was estimated that 27,000 Brooklyn residents were living with HIV/AIDS in 2008, and 1,027 were newly diagnosed. There are several thousand more who are infected with the virus, but don't even know it! That's why it is critical to get this message out across the nation: get tested, it could save your life.

Today, on World AIDS Day, the mayor of my home state of New York, Mayor Michael R. Bloomberg announced a new initiative to fight against HIV/AIDS called "Brooklyn Knows". This is a community-based test effort that aims to help a half-million Brooklyn residents learn their HIV status over the next four years. It highlights the city's leadership to date in making HIV testing a routine part of health care.

Like the World Health Organization and my great state of New York, I want to encourage everyone to take a stand by putting in place preventive mechanisms to eradicate this deadly disease. I want to be clear that I am not asking you to solve this epidemic alone, but I feel it is our responsibility to take whatever steps and measures are necessary to put into place mandatory requirements for our medical providers to offer voluntary HIV testing to their patients.

Once again, I ask that we all take a stand and make a difference to ensure another life is saved from this deadly disease.

CELEBRATING THE 50TH ANNIVERSARY  
OF THE VETERANS OF  
FOREIGN WARS POST 9168 IN  
LEWISVILLE, TEXAS

### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. BURGESS. Madam Speaker, I proudly rise today in recognition of the Veterans of Foreign Wars Post 9168. On November 12, 2010, the VFW Post 9168 celebrates its 50th Anniversary of service to the community.

The Veterans of Foreign Wars is a nonprofit veterans' service organization composed of combat veterans and those who currently



serve on active duty or in the Guard and Reserves. Even after completing military careers, members continue to serve their nation and fellow veterans through the offering of assistance programs for troop and family support, transitioning and veterans advocacy.

In 1960, the VFW was chartered and serves the veterans of Lewisville, Flower Mound, Highland Village and The Colony. Throughout its time in North Texas, the members of VFW Post 9168 have sponsored Boy Scout troops and delivered home cooked meals to countless veterans.

The VFW has long been an advocate for inspiring our Nation's future. Post 9168 serves in local schools and hosts scholarship competitions to help students fund and continue their education.

To commemorate its 50th Anniversary, the VFW is once again reaching out to the community. They are inviting the whole community with the intent to reaching out to more service members, their families and Texans as a whole.

Madam Speaker, it is with great honor that I rise today to recognize this outstanding organization. I am proud to represent VFW Post 9168 and its members in the United States House of Representatives.

IN HONOR OF DR. CHALMERS  
JOHNSON

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 1, 2010*

Mr. KUCINICH. Madam Speaker, Congresswoman MARCY KAPTUR and I rise today to honor the life and work of Dr. Chalmers Johnson. Best known as an influential Asian studies scholar and economist, his insights changed the landscape of Asian political economics. His brilliance touched the lives of the many students he taught throughout his career, and his work provides understanding and vision to many others around the world.

Dr. Johnson's fascination with Asia first began while he was serving our country in the Navy during the Korean War. While in Japan, his interest in the politics and economy of the region was ignited, and he began to learn Japanese. His career in the field of political economy started at the University of California at Berkeley, where he earned his bachelor's, master's, and doctorate degrees before joining the political science department. He later founded the Japan Policy Research Institute, which provides research and public education in the field of Japanese public policy.

He went on to have a prodigious writing career, which included many ideas that challenged contemporary scholarly theory in Asian political economics. For example, he was one of the first to suggest that famine, not ideology or personalities, drove the Chinese Revolution, and that the recovery of the Japanese economy after World War II was state-driven, rather than a product of the free market. These and other groundbreaking insights heavily influenced later political economic thought and discussion.

Later in his career, he became a vocal opponent of major aspects of American foreign policy, writing several books decrying America's increasing global military presence as an attempt at empire-building. In the process, he became a public figure and a voice of opposition to the expansion of American military power and global military hegemony.

Madam Speaker and colleagues, please join Congresswoman MARCY KAPTUR and me in honoring the life and work of Dr. Chalmers Johnson. The boldness of his scholarship will be remembered as revolutionary, and his bibliography will be viewed by many students to come as defining in the areas of Asian studies, political economy, and international relations.

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, December 2, 2010 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED  
DECEMBER 3

9 a.m.

## Armed Services

To continue hearings to examine the report on the Department of Defense Working Group that conducted a comprehensive review of the issues associated with a repeal of section 654 of title 10, United States Code, "Policy Concerning Homosexuality in the Armed Forces".

SD-G50

9:30 a.m.

## Joint Economic Committee

To hold hearings to examine the employment situation for November 2010.

SH-216

## DECEMBER 7

2:15 p.m.

## Foreign Relations

Business meeting to consider S. 3688, to establish an international professional exchange program, S. 1633, to require the Secretary of Homeland Security, in consultation with the Secretary of State, to establish a program to issue Asia-Pacific Economic Cooperation Business Travel Cards, S. 3798, to authorize appropriations of United States assistance to help eliminate conditions in foreign prisons and other detention facilities that do not meet minimum human standards of health, sanitation, and safety, S. Con. Res. 71, recognizing the United States national interest in

helping to prevent and mitigate acts of genocide and other mass atrocities against civilians, and supporting and encouraging efforts to develop a whole of government approach to prevent and mitigate such acts, S. Res. 680, supporting international tiger conservation efforts and the upcoming Global Tiger Summit in St. Petersburg, Russia, S.J. Res. 37, calling upon the President to issue a proclamation recognizing the 35th anniversary of the Helsinki Final Act, S. 2982, to combat international violence against women and girls, Treaty between the Government of the United States of America and the Government of the Republic of Rwanda Concerning the Encouragement and Reciprocal Protection of Investment, signed at Kigali on February 19, 2008 (Treaty Doc. 110-23), international Treaty on Plant Genetic Resources for Food and Agriculture, adopted by the Food and Agriculture Organization of the United Nations on November 3, 2001, and signed by the United States on November 1, 2002 (the "Treaty") (Treaty Doc. 110-19), and the nominations of Thomas R. Nides, of the District of Columbia, to be Deputy Secretary for Management and Resources, William R. Brownfield, of Texas, to be Assistant Secretary for International Narcotics and Law Enforcement Affairs, and Suzan D. Johnson Cook, of New York, to be Ambassador at Large for International Religious Freedom, all of the Department of State, Paige Eve Alexander, of Georgia, to be an Assistant Administrator of the United States Agency for International Development, and Alan J. Patricof, of New York, and Mark Green, of Wisconsin, both to be a Member of the Board of Directors of the Millennium Challenge Corporation, and a routine list in the foreign service.

S-116, Capitol

2:30 p.m.

## Banking, Housing, and Urban Affairs

To hold hearings to examine the state of the credit union industry.

SD-538

## Homeland Security and Governmental Affairs

To hold hearings to examine catastrophic preparedness, focusing on FEMA.

SD-342

## DECEMBER 8

10 a.m.

## Homeland Security and Governmental Affairs

To hold hearings to examine border security, focusing on the challenge of protecting Federal lands.

SD-342

## Indian Affairs

To resume oversight hearings to examine how the Indian Health Service will correct mismanagement in the Aberdeen area.

SD-628

## Judiciary

Business meeting to consider S. 3675, to amend chapter 11 of title 11, United States Code, to address reorganization of small businesses, S. 2888, to amend section 205 of title 18, United States Code, to exempt qualifying law school students participating in legal clinics from the application of the general conflict of interest rules under such section, S. 1598, to amend the National Child Protection Act of 1993 to establish a permanent background check system, and the nominations of Max Oliver Cogburn, Jr., to be United States District Judge for the Western District of North Carolina, Robert Neil Chatigny, of Connecticut, to be United States Circuit Judge for the Second Circuit, Marco A. Hernandez, and Michael H. Simon, both to be United States District Judge for the District of Oregon, Steve C. Jones, to be United States District Judge for the Northern District of Georgia, and Patti B. Saris, of Massachusetts, to be Chair, and Dabney Langhorne Friedrich, of Maryland, both to be a Member of the United States Sentencing Commission.

SD-226

2 p.m.

## Banking, Housing, and Urban Affairs

## Securities, Insurance and Investment Subcommittee

## Homeland Security and Governmental Affairs

## Investigations Subcommittee

To hold joint hearings to examine the efficiency, stability, and integrity of the United States capital markets.

SD-538

## DECEMBER 9

2:30 p.m.

## Homeland Security and Governmental Affairs

## Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine delivering results through multilateral institutions, focusing on United States employment in the United Nations.

SD-342

# Daily Digest

## HIGHLIGHTS

See Résumé of Congressional Activity.

## Senate

### Chamber Action

*Routine Proceedings, pages S8309–S8356*

**Measures Introduced:** Seven bills were introduced, as follows: S. 3993–3999. **Page S8348**

#### Measures Reported:

H.R. 5758, to designate the facility of the United States Postal Service located at 2 Government Center in Fall River, Massachusetts, as the “Sergeant Robert Barrett Post Office Building”.

H.R. 6118, To designate the facility of the United States Postal Service located at 2 Massachusetts Avenue, NE., in Washington, D.C., as the “Dorothy I. Height Post Office”.

H.R. 6237, to designate the facility of the United States Postal Service located at 1351 2nd Street in Napa, California, as the “Tom Kongsgaard Post Office Building”.

H.R. 6387, to designate the facility of the United States Postal Service located at 337 West Clark Street in Eureka, California, as the “Sam Sacco Post Office Building”.

S. 2802, to settle land claims within the Fort Hall Reservation, with amendments.

S. 3784, to designate the facility of the United States Postal Service located at 4865 Tallmadge Road in Rootstown, Ohio, as the “Marine Sgt. Jeremy E. Murray Post Office”.

**Page S8348**

#### Measures Passed:

**Child Safety Pilot Program:** Senate passed S. 3998, to extend the Child Safety Pilot Program.

**Page S8353**

**International Protecting Girls by Preventing Child Marriage Act:** Senate passed S. 987, to protect girls in developing countries through the prevention of child marriage, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto:

**Pages S8353–55**

Whitehouse (for Durbin) Amendment No. 4725, in the nature of a substitute. **Page S8355**

**Winston E. Arnow Federal Building:** Senate passed H.R. 4387, to designate the Federal building located at 100 North Palafox Street in Pensacola, Florida, as the “Winston E. Arnow Federal Building”.

**Page S8355**

**Andrew W. Bogue Federal Building and United States Courthouse:** Senate passed H.R. 5651, to designate the Federal building and United States courthouse located at 515 9th Street in Rapid City, South Dakota, as the “Andrew W. Bogue Federal Building and United States Courthouse”.

**Page S8355**

**Frank Evans Government Printing Office Building:** Senate passed H.R. 5706, to designate the building occupied by the Government Printing Office located at 31451 East United Avenue in Pueblo, Colorado, as the “Frank Evans Government Printing Office Building”.

**Page S8355**

**Robert M. Ball Federal Building:** Senate passed H.R. 5773, to designate the Federal building located at 6401 Security Boulevard in Baltimore, Maryland, commonly known as the Social Security Administration Operations Building, as the “Robert M. Ball Federal Building”.

**Page S8355**

**Wreaths Across America Day:** Committee on the Judiciary was discharged from further consideration of S. Res. 686, designating December 11, 2010, as “Wreaths Across America Day”, and the resolution was then agreed to.

**Pages S8355–56**

**Morning Business—Agreement:** A unanimous-consent agreement was reached providing that at approximately 9:30 a.m., on Thursday, December 2, 2010, Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each, with the Majority controlling the first 30 minutes and the Republicans controlling the next 30 minutes.

**Page S8356**

**Nominations Received:** Senate received the following nominations:

Bernice Bouie Donald, of Tennessee, to be United States Circuit Judge for the Sixth Circuit.

Arenda L. Wright Allen, of Virginia, to be United States District Judge for the Eastern District of Virginia.

Michael Francis Urbanski, of Virginia, to be United States District Judge for the Western District of Virginia.

Claire C. Cecchi, of New Jersey, to be United States District Judge for the District of New Jersey.

Esther Salas, of New Jersey, to be United States District Judge for the District of New Jersey.

Mark Raymond Hornak, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania.

Robert David Mariani, of Pennsylvania, to be United States District Judge for the Middle District of Pennsylvania.

John Andrew Ross, of Missouri, to be United States District Judge for the Eastern District of Missouri.

Christopher R. Thyer, of Arkansas, to be United States Attorney for the Eastern District of Arkansas for the term of four years. **Page S8356**

**Messages from the House:** **Page S8345**

**Measures Referred:** **Page S8345**

**Measures Placed on the Calendar:**  
**Pages S8309, S8345–46**

**Executive Communications:** **Pages S8346–48**

**Executive Reports of Committees:** **Page S8348**

**Additional Cosponsors:** **Pages S8348–49**

**Statements on Introduced Bills/Resolutions:**  
**Pages S8349–50**

**Additional Statements:** **Pages S8344–45**

**Amendments Submitted:** **Pages S8350–52**

**Authorities for Committees to Meet:**  
**Pages S8352–53**

**Adjournment:** Senate convened at 9:30 a.m. and adjourned at 7:32 p.m., until 9:30 a.m. on Thursday, December 2, 2010. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8356.)

## Committee Meetings

(Committees not listed did not meet)

### MORTGAGE SERVICING

*Committee on Banking, Housing, and Urban Affairs:* Committee resumed hearings to examine problems

in mortgage servicing from modification to foreclosure, after receiving testimony from Phyllis Caldwell, Chief of Homeownership Preservation Office, and John Walsh, Acting Comptroller of the Currency, both of the Department of the Treasury; Sheila C. Bair, Chairman, Federal Deposit Insurance Corporation; Daniel K. Tarullo, Member, Board of Governors of the Federal Reserve System; Edward J. DeMarco, Acting Director, Federal Housing Finance Agency; Terence Edwards, Fannie Mae, Haddonfield, New Jersey; Donald Bisenius, Freddie Mac, Fairfax, Virginia; Tom Deutsch, American Securitization Forum, New York, New York; and Kurt Eggert, Chapman University School of Law, Orange, California.

### NASA AUTHORIZATION ACT

*Committee on Commerce, Science, and Transportation:* Committee concluded a hearing to examine the NASA Authorization Act of 2010, focusing on transition and implementation, after receiving testimony from John P. Holdren, Director, Office of Science and Technology Policy, Executive Office of the President of the United States; Elizabeth M. Robinson, Chief Financial Officer, National Aeronautics and Space Administration; and Cristina T. Chaplain, Director, Acquisition and Sourcing Management, and Susan A. Poling, Managing Associate General Counsel, both of the Government Accountability Office.

### HEALTH INSURANCE

*Committee on Commerce, Science, and Transportation:* Committee concluded a hearing to examine mini med policies, after receiving testimony from Stephen Finan, American Cancer Society Cancer Action Network, and Aaron Smith, Young Invincibles, both of Washington, D.C.; Rich Floersch, McDonald's Corporation, Oak Brook, Illinois; Timothy Stoltzfus Jost, Washington and Lee University School of Law, Lexington, Virginia; Devon M. Herrick, National Center for Policy Analysis, Dallas, Texas; and Eugene Melville, Riverside, California.

### U.S. POLICY REGARDING LATIN AMERICA

*Committee on Foreign Relations:* Committee concluded a hearing to examine Latin America in 2010, focusing on opportunities, challenges, and the future of the United States policy in the hemisphere, after receiving testimony from Mark L. Schneider, International Crisis Group, Cynthia J. Arnson, Woodrow Wilson International Center for Scholars Latin American Program, Joy Olson, Washington Office on Latin America, and Jaime Daremblum, Hudson Institute Center for Latin American Studies, all of Washington, D.C.

**BUSINESS MEETING**

*Committee on Homeland Security and Governmental Affairs:* On November 16, 2010, committee announced the following subcommittee assignments:

*Permanent Subcommittee on Investigations:* Senators Levin (Chair), Carper, Pryor, McCaskill, Tester, Coons, Coburn, Collins, McCain, and Ensign.

*Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia:* Senators Akaka (Chair), Levin, Landrieu, Coons, Voinovich, Brown (MA), and Graham.

*Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security:* Senators Carper (Chair), Levin, Akaka, Pryor, McCaskill, McCain, Coburn, Voinovich, and Ensign.

*Ad Hoc Subcommittee on State, Local, and Private Sector Preparedness and Integration:* Senators Pryor (Chair), Akaka, Landrieu, Tester, Ensign, Voinovich, and Graham.

*Ad Hoc Subcommittee on Disaster Recovery:* Senators Landrieu (Chair), McCaskill, Graham, and Brown (MA).

*Ad Hoc Subcommittee on Contracting Oversight:* Senators McCaskill (Chair), Levin, Carper, Pryor, Tester, Coons, Brown (MA), Collins, Coburn, McCain, and Graham.

**BUSINESS MEETING**

*Committee on Health, Education, Labor, and Pensions:* Committee ordered favorably reported the following business items:

S. 3817, to amend the Child Abuse Prevention and Treatment Act, the Family Violence Prevention and Services Act, the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, and the Abandoned Infants Assistance Act of 1988 to reauthorize the Acts, with an amendment;

S. 3199, to amend the Public Health Service Act regarding early detection, diagnosis, and treatment of hearing loss, with an amendment in the nature of a substitute;

S. 3036, to establish the Office of the National Alzheimer's Project, with an amendment in the nature of a substitute;

S. 1275, to establish a National Foundation on Physical Fitness and Sports to carry out activities to support and supplement the mission of the President's Council on Physical Fitness and Sports, with an amendment;

H.R. 2941, to reauthorize and enhance Johanna's Law to increase public awareness and knowledge with respect to gynecologic cancers;

S. 3984, to amend and extend the Museum and Library Services Act; an original bill entitled, "The

Museum and Library Services Act of 2010", with an amendment in the nature of a substitute;

The nominations of Anthony Bryk, of California, Robert Anacletus Underwood, of Guam, and Kris D. Gutierrez, of Colorado, all to be a Member of the Board of Directors of the National Board for Education Sciences, Sean P. Buckley, of New York, to be Commissioner of Education Statistics, Department of Education, Susan H. Hildreth, of Washington, to be Director of the Institute of Museum and Library Services, and Allison Blakely, of Massachusetts, to be a Member of the National Council on the Humanities.

Also, committee announced the following subcommittee assignments:

*Subcommittee on Children and Families:* Senators Dodd (Chair), Bingaman, Murray, Reed, Sanders, Casey, Hagan, Merkley, Bennet, Harkin (ex officio), Alexander, Gregg, McCain, Hatch, Murkowski, Coburn, Roberts, and Enzi (ex officio).

*Subcommittee on Employment and Workplace Safety:* Senators Murray (Chair), Dodd, Mikulski, Hagan, Merkley, Franken, Bennet, Manchin, Harkin (ex officio), Isakson, Gregg, Burr, McCain, Hatch, Murkowski, and Enzi (ex officio).

*Subcommittee on Retirement and Aging:* Senators Mikulski (Chair), Bingaman, Reed, Sanders, Casey, Franken, Manchin, Harkin (ex officio), Burr, Gregg, Alexander, Isakson, Coburn, and Enzi (ex officio).

**PENSION BENEFIT GUARANTY CORPORATION**

*Committee on Health, Education, Labor, and Pensions:* Committee concluded a hearing to examine the Pension Benefit Guaranty Corporation, focusing on management and oversight, after receiving testimony from Joshua Gotbaum, Director, and Rebecca Anne Batts, Inspector General, both of the Pension Benefit Guaranty Corporation; Barbara D. Bovbjerg, Managing Director, Education, Workforce, and Income Security, Government Accountability Office; and Ken Porter, American Benefits Council, Washington, D.C.

**BUSINESS MEETING**

*Committee on the Judiciary:* Committee ordered favorably reported the following business items:

S. 3728, to amend title 17, United States Code, to extend protection to fashion design, with an amendment in the nature of a substitute; and

The nominations of Susan L. Carney, of Connecticut, to be United States Circuit Judge for the Second Circuit, Amy Totenberg, to be United States District Judge for the Northern District of Georgia, James Emanuel Boasberg, and Amy Berman Jackson, both to be United States District Judge for the District of Columbia, James E. Shadid, and Sue E.

Myerscough, both to be United States District Judge for the Central District of Illinois, James E. Graves, Jr., of Mississippi, to be United States Circuit Judge for the Fifth Circuit, Paul Kinloch Holmes, III, to be United States District Judge for the Western District of Arkansas, Anthony J. Battaglia, to be United States District Judge for the Southern District of California, Edward J. Davila, to be United States

District Judge for the Northern District of California, Diana Saldana, to be United States District Judge for the Southern District of Texas, and Michele Marie Leonhart, of California, to be Administrator of Drug Enforcement, and Stacia A. Hylton, of Virginia, to be Director of the United States Marshals Service, both of the Department of Justice.

## House of Representatives

### Chamber Action

**Public Bills and Resolutions Introduced:** 10 public bills, H.R. 6463–6472; and 6 resolutions, H. Con. Res. 333; and H. Res. 1743–1744, 1746–1748 were introduced. **Pages H7854–55**

**Additional Cosponsors:** **Page H7855**

**Reports Filed:** Reports were filed today as follows:

H.R. 3245, to amend the Controlled Substances Act and the Controlled Substances Import and Export Act regarding penalties for cocaine offenses, and for other purposes (H. Rept. 111–670, Pt. 1); and

H. Res. 1745, providing for consideration of the Senate amendment to the bill (H.R. 4853) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes, and providing for consideration of motions to suspend the rules (H. Rept. 111–671). **Page H7854**

**Speaker:** Read a letter from the Speaker wherein she appointed Representative Cuellar to act as Speaker pro tempore for today. **Page H7759**

**Chaplain:** The prayer was offered by the guest chaplain, Reverend Tom Dore, Pastor Emeritus, St. Giles Parish, Oak Park, IL. **Page H7759**

**Suspensions—Proceedings Resumed:** The House agreed to suspend the rules and agree to the following measures which were debated on Tuesday, November 30th:

*Supporting the goal of ensuring that all Holocaust survivors in the United States are able to live with dignity, comfort, and security in their remaining years:* H. Con. Res. 323, to support the goal of ensuring that all Holocaust survivors in the United States are able to live with dignity, comfort, and security in their remaining years, by a  $\frac{2}{3}$  yeas-and-nay vote of 406 yeas with none voting “nay”, Roll No. 590; **Page H7775**

*Condemning North Korea in the strongest terms for its unprovoked military attack against South Korea on November 23, 2010:* H. Res. 1735, to

condemn North Korea in the strongest terms for its unprovoked military attack against South Korea on November 23, 2010, by a  $\frac{2}{3}$  recorded vote of 403 yeas to 2 noes, Roll No. 591; **Pages H7775–76**

*Honoring and saluting golf legend Juan Antonio “Chi Chi” Rodriguez:* H. Res. 1430, amended, to honor and salute golf legend Juan Antonio “Chi Chi” Rodriguez for his commitment to Latino youth programs of the Congressional Hispanic Caucus Institute, by a  $\frac{2}{3}$  recorded vote of 405 yeas to 2 noes, Roll No. 592; **Pages H7776–77**

*Honoring Fort Drum’s soldiers of the 10th Mountain Division:* H. Res. 1217, amended, to honor Fort Drum’s soldiers of the 10th Mountain Division for their past and continuing contributions to the security of the United States, by a  $\frac{2}{3}$  recorded vote of 415 yeas with none voting “no”, Roll No. 594; and **Pages H7815–16**

*Commending the City of Jacksonville, Arkansas, for its outstanding support in creating a unique and lasting partnership with Little Rock Air Force Base:* H. Res. 1724, amended, to commend the City of Jacksonville, Arkansas, for its outstanding support in creating a unique and lasting partnership with Little Rock Air Force Base, members of the Armed Forces stationed there and their families, and the Air Force, by a  $\frac{2}{3}$  yeas-and-nay vote of 411 yeas with none voting “nay”, Roll No. 595. **Pages H7816–17**

Agreed to amend the title so as to read: “Commending the City of Jacksonville, Arkansas, for its outstanding support in creating a unique and lasting partnership with Little Rock Air Force Base, members of the Armed Forces stationed there, and their families”. **Page H7817**

**Making further continuing appropriations for fiscal year 2011:** The House passed H.J. Res. 101, to make further continuing appropriations for fiscal year 2011, by a yeas-and-nay vote of 239 yeas to 178 nays, Roll No. 593. **Pages H7777–78, H7813–14**

H. Res. 1741, the rule providing for consideration of the resolution, was agreed to by a yeas-and-nay



vote of 236 yeas to 172 nays, Roll No. 589, after the previous question was ordered without objection.

**Pages H7763–67, H7774–75**

**Healthy, Hunger-Free Kids Act of 2010:** The House began consideration of S. 3307, to reauthorize child nutrition programs. Further proceedings on the bill were postponed.

**Pages H7778–H7813, H7814–15**

Representative Kline (MN) moved to recommit the bill to the Committee on Education and Labor with instructions to report the same back to the House forthwith with amendments. Further proceedings on the motion were postponed.

**Pages H7814–15**

H. Res. 1742, the rule providing for consideration of the bill, was agreed to by a yeas-and-nay vote of 230 yeas to 174 nays, Roll No. 588, after the previous question was ordered by a yeas-and-nay vote of 232 yeas to 180 nays, Roll No. 587.

**Pages H7767–74**

**Moment of Silence:** The House observed a moment of silence in honor of the men and women in uniform who have given their lives in the service of our nation in Iraq and Afghanistan, their families, and all who serve in the armed forces and their families.

**Page H7816**

**Suspensions:** The House agreed to suspend the rules and pass the following measures:

**Requiring the accreditation of English language training programs:** S. 1338, to require the accreditation of English language training programs;

**Pages H7817–18**

**Help HAITI Act of 2010:** Concurred in the Senate amendment to H.R. 5283, to provide for adjustment of status for certain Haitian orphans paroled into the United States after the earthquake of January 12, 2010;

**Pages H7819–21**

**Asian Carp Prevention and Control Act:** S. 1421, to amend section 42 of title 18, United States Code, to prohibit the importation and shipment of certain species of carp;

**Pages H7821–22**

**Authorizing the use of the rotunda of the Capitol for an event marking the 50th anniversary of the inaugural address of President John F. Kennedy:** S. Con. Res. 75, to authorize the use of the rotunda of the Capitol for an event marking the 50th anniversary of the inaugural address of President John F. Kennedy;

**Page H7823**

**Amending the Water Resources Development Act of 2000:** H.R. 6184, amended, to amend the Water Resources Development Act of 2000 to extend and modify the program allowing the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the evaluation of permits;

**Pages H7823–26**

**Federal Buildings Personnel Training Act of 2010:** S. 3250, to provide for the training of Federal building personnel; and

**Pages H7826–29**

**Congratulating the National Air Transportation Association for celebrating its 70th anniversary:**

H. Res. 1669, amended, to congratulate the National Air Transportation Association for celebrating its 70th anniversary.

**Pages H7829–30**

**Senate Message:** Message received from the Senate today appears on page H7759.

**Senate Referrals:** S. 3987 was referred to the Committee on Financial Services and S. 3386 was referred to the Committee on Energy and Commerce.

**Page H7852**

**Quorum Calls Votes:** Six yeas-and-nay votes and three recorded votes developed during the proceedings of today and appear on pages H7773, H7773–74, H7774, H7775, H7775–76, H7776–77, H7813–14, H7815–16, H7816–17. There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and adjourned at 8:39 p.m.

## Committee Meetings

### STRATEGIC FORCES PHASED ADAPTIVE APPROACH

**Committee on Armed Services:** Subcommittee on Strategic Forces held a hearing on the status of the phased adaptive approach. Testimony was heard from the following officials of the Department of Defense: James N. Miller, Principal Deputy Under Secretary, Policy; LTG Patrick J. O'Reilly, USA, Director, Missile Defense Agency; and RADM Archer M. Macy, Jr., USN, Director, Joint Integrated Air and Missile Defense Organization, Joint Chiefs of Staff; and Frank Rose, Deputy Assistant Secretary, Space and Defense Policy, Department of State.

### IRAN SANCTIONS

**Committee on Foreign Affairs:** Held a hearing on Implementing Tougher Sanctions on Iran: A Progress Report. Testimony was heard from William J. Burns, Under Secretary, Political Affairs, Department of State; and Stuart A. Levey, Under Secretary, Terrorism and Financial Intelligence, Department of the Treasury.

### ANTITRUST LAWS HEALTH CARE IMPACTS

**Committee on the Judiciary:** Subcommittee on Courts and Competition Policy held a hearing on Antitrust Laws and Their Effects on Healthcare Providers, Insurers and Patients. Testimony was heard from Richard Feinstein, Director, Bureau of Competition, FTC; Sharis Pozen, Chief of Staff and Counsel to the Assistant Attorney General, Antitrust Division, Department of Justice; and public witnesses.

### MIDDLE CLASS TAX RELIEF ACT OF 2010

**Committee on Rules:** Granted, by a vote of 7–2, a rule providing for consideration of the Senate amendment to H.R. 4853. The rule makes in order a motion offered by the chair of the Committee on Ways and Means that the House concur in the Senate amendment to H.R. 4853 with the amendment printed in the Rules Committee report. The rule provides one

hour of debate on the motion equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means. The rule waives all points of order against consideration of the motion except those arising under clause 10 of rule XXI. The rule provides that the Senate amendment and the motion shall be considered as read. Finally, the rule authorizes the Speaker to entertain motions that the House suspend the rules at any time through the legislative day of December 3, 2010. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this rule. Testimony was heard by Chairman Levin and Representative Brady (TX).

#### BRIEFING—WIKILEAKS

*Permanent Select Committee on Intelligence:* Met in executive session to receive a briefing on WikiLeaks Unauthorized Disclosures of Classified Information. The Committee was briefed by departmental witnesses.

#### SECURITY CLEARANCE REFORM

*Permanent Select Committee on Intelligence:* Subcommittee on Intelligence Community Management held a hearing on Update on Security Clearance Reform. Testimony was heard from Brenda Farrell, Director, Defense Capabilities and Management, GAO; Danny Werfel, Comptroller, Office of Federal Financial Management, OMB; John Fitzpatrick, Director, Special Security Center, Office of the Director of National Intelligence; Elizabeth A. McGrath, Deputy Chief Management Officer, Department of Defense; and Kathy Dillaman, Associate Director, Federal Investigative Services, OPM.

#### ENERGY SECURITY, JOBS AND CLIMATE CHALLENGES

*Select Committee on Energy Independence and Global Warming:* Held a hearing entitled “Not Going Away: America’s Energy Security, Jobs and Climate Challenges.” Testimony was heard from GEN Wesley K. Clark, USA (ret.), former NATO Supreme Allied Commander Europe; VADM Dennis McGinn, USN, (ret.); and public witnesses.

### Joint Meetings

No joint committee meetings were held.

## COMMITTEE MEETINGS FOR THURSDAY, DECEMBER 2, 2010

(Committee meetings are open unless otherwise indicated)

### Senate

*Committee on Armed Services:* To hold hearings to examine the report on the Department of Defense Working Group that conducted a comprehensive review of the issues associated with a repeal of section 654 of title 10, United States Code, “Policy Concerning Homosexuality in the Armed Forces”, 9 a.m., SD–G50.

*Committee on Commerce, Science, and Transportation:* Subcommittee on Consumer Protection, Product Safety, and Insurance, to hold an oversight hearing to examine the Consumer Product Safety Commission, focusing on product safety in the holiday season, 10 a.m., SR–253.

Subcommittee on Aviation Operations, Safety, and Security, to hold hearings to examine international aviation screening standards, 2:15 p.m., SR–253.

*Committee on Finance:* To hold hearings to examine tax reform, focusing on historical trends in income and revenue, 10 a.m., SD–215.

*Committee on Homeland Security and Governmental Affairs:* Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security, to hold hearings to examine finding solutions to the challenges facing the United States Postal Service, 10 a.m., SD–342.

*Select Committee on Intelligence:* To hold closed hearings to examine certain intelligence matters, 3 p.m., SH–219.

### House

*Committee on Energy and Commerce,* Subcommittee on Commerce, Trade, and Consumer Protection hearing on “Do-Not-Track’ Legislation: Is Now the Right Time?” 10:30 a.m., 2123 Rayburn.

*Committee on Foreign Affairs,* Subcommittee on Africa and Global Health, hearing on Zimbabwe: From Crisis to Renewal, 10 a.m., 2172 Rayburn.

*Committee on the Judiciary,* hearing on Foreclosed Justice: Causes and Effects of the Foreclosure Crisis, 10 a.m., 2141 Rayburn.

*Committee on Transportation and Infrastructure,* to mark up the following: GSA’s Capital Investment and Leasing Program resolutions; USA. Army Corps of Engineers Survey resolutions; and other pending matters, 11 a.m., 2167 Rayburn.

*Permanent Select Committee on Intelligence,* executive, briefing on Update on North Korea, 9:30 a.m., 304–HVC.

# Résumé of Congressional Activity

## SECOND SESSION OF THE ONE HUNDRED ELEVENTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House.

The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

### EXECUTIVE DATA ON LEGISLATIVE ACTIVITY

January 5 through November 30, 2010

	<i>Senate</i>	<i>House</i>	<i>Total</i>
Days in session .....	139	114	..
Time in session .....	913 hrs., 2'	780 hrs., 15'	..
Congressional Record:			
Pages of proceedings .....	8,308	7,758	..
Extensions of Remarks .....	..	2,016	..
Public bills enacted into law .....	43	117	160
Private bills enacted into law .....	..	..	..
Bills in conference .....	1	1	..
Measures passed, total .....	469	801	1,270
Senate bills .....	78	43	..
House bills .....	114	313	..
Senate joint resolutions .....	4	4	..
House joint resolutions .....	3	4	..
Senate concurrent resolutions .....	11	3	..
House concurrent resolutions .....	29	46	..
Simple resolutions .....	230	388	..
Measures reported, total .....	*329	*271	600
Senate bills .....	231	1	..
House bills .....	84	186	..
Senate joint resolutions .....	1	..	..
House joint resolutions .....	..	..	..
Senate concurrent resolutions .....	1	..	..
House concurrent resolutions .....	..	3	..
Simple resolutions .....	12	81	..
Special reports .....	5	8	..
Conference reports .....	..	2	..
Measures pending on calendar .....	423	102	..
Measures introduced, total .....	1,419	2,939	4,358
Bills .....	1,072	2,050	..
Joint resolutions .....	15	36	..
Concurrent resolutions .....	28	107	..
Simple resolutions .....	304	746	..
Quorum calls .....	5	4	..
Yea-and-nay votes .....	257	395	..
Recorded votes .....	..	187	..
Bills vetoed .....	..	2	..
Veto overridden .....	..	..	..

### DISPOSITION OF EXECUTIVE NOMINATIONS (111-2)

January 5 through November 30, 2010

Civilian nominations, totaling 609 (including 209 nominations carried over from the First Session), disposed of as follows:	
Confirmed .....	387
Unconfirmed .....	191
Withdrawn .....	15
Returned to the White House .....	16
Other Civilian nominations, totaling 2,352 (including 112 nominations carried over from the First Session), disposed of as follows:	
Confirmed .....	1,038
Unconfirmed .....	1,314
Air Force nominations, totaling 6,767 (including 759 nominations carried over from the First Session), disposed of as follows:	
Confirmed .....	5,338
Unconfirmed .....	1,429
Army nominations, totaling 7,520 (including 76 nominations carried over from the First Session), disposed of as follows:	
Confirmed .....	6,245
Unconfirmed .....	1,270
Withdrawn .....	5
Navy nominations, totaling 4,453 (including 8 nominations carried over from the First Session), disposed of as follows:	
Confirmed .....	4,390
Unconfirmed .....	63
Marine Corps nominations, totaling 1,201 (including 714 nominations carried over from the First Session), disposed of as follows:	
Confirmed .....	1,192
Unconfirmed .....	9
<i>Summary</i>	
Total nominations carried over from the First Session .....	1,878
Total nominations received this session .....	21,024
Total confirmed .....	18,590
Total unconfirmed .....	4,276
Total withdrawn .....	20
Total returned to the White House .....	16

\*These figures include all measures reported, even if there was no accompanying report. A total of 242 written reports have been filed in the Senate, 281 reports have been filed in the House.

*Next Meeting of the SENATE*

9:30 a.m., Thursday, December 2

*Next Meeting of the HOUSE OF REPRESENTATIVES*

10 a.m., Thursday, December 2

## Senate Chamber

**Program for Thursday:** Senate will be in a period of morning business.

*(Senate will recess from 12:30 p.m. until 3:30 p.m. for the Democratic caucus meeting.)*

## House Chamber

**Program for Thursday:** Consideration of the Senate amendment to H.R. 4853—Middle Class Tax Relief Act of 2010 (Subject to a Rule).

## Extensions of Remarks, as inserted in this issue

## HOUSE

Ackerman, Gary L., N.Y., E2024  
 Akin, W. Todd, Mo., E2025  
 Altmire, Jason, Pa., E2017  
 Austria, Steve, Ohio, E2021  
 Boozman, John, Ark., E2026  
 Burgess, Michael C., Tex., E2027, E2028, E2029,  
 E2029  
 Coffman, Mike, Colo., E2029  
 Cummings, Elijah E., Md., E2017  
 Diaz-Balart, Lincoln, Fla., E2026  
 Dingell, John D., Mich., E2026, E2027  
 Eshoo, Anna G., Calif., E2017, E2018  
 Farr, Sam, Calif., E2019

Gerlach, Jim, Pa., E2018  
 Gordon, Bart, Tenn., E2024  
 Graves, Sam, Mo., E2019  
 Guthrie, Brett, Ky., E2020  
 Hastings, Alcee L., Fla., E2020  
 Johnson, Timothy V., Ill., E2018  
 Kucinich, Dennis J., Ohio, E2022, E2023, E2024, E2030  
 Latham, Tom, Iowa, E2019, E2020, E2022  
 Luetkemeyer, Blaine, Mo., E2023  
 McCollum, Betty, Minn., E2021, E2022  
 McCotter, Thaddeus G., Mich., E2021  
 Manzullo, Donald A., Ill., E2021  
 Myrick, Sue Wilkins, N.C., E2024  
 Oberstar, James L., Minn., E2018  
 Paul, Ron, Tex., E2022

Posey, Bill, Fla., E2019  
 Putnam, Adam H., Fla., E2028  
 Reyes, Silvestre, Tex., E2025  
 Richardson, Laura, Calif., E2028  
 Schakowsky, Janice D., Ill., E2020, E2021  
 Smith, Adam, Wash., E2025, E2027  
 Smith, Lamar, Tex., E2022  
 Stark, Fortney Pete, Calif., E2023  
 Stupak, Bart, Mich., E2025  
 Tonko, Paul, N.Y., E2026  
 Towns, Edolphus, N.Y., E2029  
 Van Hollen, Chris, Md., E2028  
 Watson, Diane E., Calif., E2018  
 Woolsey, Lynn C., Calif., E2028



# Congressional Record

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